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Regulations

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

Subchapter C—Regulations Under the Farm Products Inspection Act

PART 56—DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

INSPECTION AND CERTIFICATION FOR CONDITION AND WHOLESOMENESS

Pursuant to the provisions of the Department of Agriculture Appropriation Act, 1946, approved May 5, 1945 (Public Law 52, 79th Congress), and by virtue of the authority vested in the Secretary of Agriculture, the following revision of the rules and regulations governing inspection and certification for condition and wholesomeness of dressed poultry and dressed domestic rabbits and edible products thereof (7 CFR, Cum. Supp., 56.1 et seq.; 8 F.R. 8386) is hereby prescribed and promulgated:

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FEDERAL REGISTER

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AUTHORITY: §§ 56.1 to 56.64, inclusive, issued under Pub. Law 52, 79th Cong.; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087.

DEFINITIONS

§ 56.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 56.2 *Terms defined.* When used in this part unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1946, approved May 5, 1945 (Pub. Law 52, 79th Cong., 2nd Sess.), or any future act of Congress conferring similar authority:

* * * For enabling the Secretary, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation,

marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered * * *

(b) "This part" means the provisions hereof governing the inspection and certification of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness.

(c) "Department" means the United States Department of Agriculture.

(d) "Secretary" means the Secretary of the Department or any employee of the Department to whom the Secretary has heretofore delegated or may hereafter delegate the authority to act in his stead.

(e) "Administration" means the Production and Marketing Administration of the Department.

(f) "Assistant Administrator" means the Assistant Administrator for Regulatory and Marketing Service work of the Administration, or any employee of the Department to whom the Assistant Administrator has heretofore delegated or may hereafter delegate the authority to act in his stead.

(g) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(h) "Interested party" means any person financially interested in a transaction involving any inspection or appeal inspection of products.

(i) "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with this part, to shippers of products and other interested parties the condition and wholesomeness of such products.

(j) "Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the act and this part, relative to the condition and wholesomeness of products.

(k) "Regional supervisor" means any regional supervisor of the Poultry Inspection Section, Dairy and Poultry Grading and Inspection Division of the Dairy Branch of the Administration, in charge of the inspection service in a designated geographical area.

(l) "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the feathers have been removed in accordance with commercial practice.

(m) "Poultry carcass" means each bird in a quantity of dressed poultry.

(n) "Eviscerated poultry" means any dressed poultry which has been singed and from which the pin feathers, head, shanks, crop, oil gland, and all internal organs (including, but not being restricted to, the trachea, esophagus, entrails, lungs and kidneys) have been completely removed.

(o) "Edible poultry byproduct" means any edible viscera or edible part of dressed poultry other than eviscerated poultry.

(p) "Poultry food product" means any article of food or any article intended for or capable of being used as human food which is prepared or derived, in whole or in substantial and definite part, from any edible portion of dressed poultry.

(q) "Food product containing poultry product" means any article of food for human consumption which is prepared in part from any edible portion of dressed poultry, or from any product derived wholly from such edible portion, if such edible portion or product thereof does not comprise a considerable and definite portion of such article of food.

(r) "Dressed domestic rabbit" means any domestic rabbit which has been slaughtered for human food, with head, feet, and viscera intact.

(s) "Eviscerated domestic rabbit" means any dressed domestic rabbit from which the skin, head, feet, and viscera have been removed.

(t) "Edible domestic rabbit byproduct" means any edible viscera or edible part of any dressed domestic rabbit other than the eviscerated domestic rabbit.

(u) "Domestic rabbit food product" means any article of food or any article intended for or capable of being used as human food which is prepared or derived, in whole or in substantial and definite part, from any edible portion of dressed domestic rabbits.

(v) "Food product containing domestic rabbit product" means any article of food for human consumption which is prepared in part from any edible portion of dressed domestic rabbits or from any product derived wholly from such edible portion, if such edible portion or product thereof does not comprise a considerable and definite portion of such article of food.

(w) "Product" means any one or more of the following: (1) dressed poultry; (2) dressed domestic rabbits; (3) eviscerated poultry; (4) eviscerated domestic rabbits; (5) edible poultry byproducts; (6) edible domestic rabbit byproduct; (7) poultry food product; and (8) domestic rabbit food product.

(x) "Edible product" means any product other than dressed poultry and dressed domestic rabbits.

(y) "Carcass" means any poultry carcass or any dressed domestic rabbit.

(z) "Inspection," "inspection service," or "inspection of products for condition and wholesomeness" means any inspection by an inspector, in accordance with this part, (1) of dressed poultry or dressed domestic rabbits to determine the soundness, wholesomeness, and fitness for human food of such product, or (2) of any edible product at any stage of the preparation or packaging of such edible product in the official plant where inspected, or (3) of any previously inspected product, if such product has not lost its identity as such inspected product, to determine whether such product is still sound and fit for human food.

(aa) "Official plant" means any plant in which the facilities and methods of operation therein have been found by the Assistant Administrator to be suitable and adequate for operation under inspection and in which inspection is carried on in accordance with this part.

(bb) "Inspected and certified" means that a product has undergone an inspection and, at the time of such inspection, was found to be sound, wholesome, and fit for human food.

ADMINISTRATION

§ 56.3 *Authority.* The Assistant Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the act and this part.

INSPECTION SERVICE

§ 56.4 *Kind of service.* Any inspection of products made in accordance with this part shall be for condition and wholesomeness.

§ 56.5 *Where inspection is offered.* Products may be inspected wherever an inspector is available and the facilities and conditions are satisfactory for the conduct of an inspection.

APPLICATION FOR INSPECTION

§ 56.6 *Who may obtain inspection service.* An application for inspection may be made by any interested party, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 56.7 *How to make application.* An application for inspection must be made in writing and filed with the Assistant Administrator.

§ 56.8 *Form of application.* Each application for inspection shall include such information as may be required by the Assistant Administrator in regard to the products and the premises where such products are to be inspected.

§ 56.9 *When application may be rejected.* Any application for inspection may be rejected by the Assistant Administrator for any noncompliance, by the applicant, with the act or this part and such applicant shall be immediately notified of the reasons for such rejection.

§ 56.10 *When application may be withdrawn.* An application for inspection may be withdrawn at any time before inspection service is performed upon payment by the applicant of all expenses incurred by the Administration in connection with such application.

§ 56.11 *Authority of applicant.* Proof of the authority of any person applying for inspection may be required in the discretion of the Assistant Administrator.

§ 56.12 *Granting of application.* An application for inspection may be approved only when the Assistant Administrator determines that the facilities available and the methods employed are

suitable and adequate for such inspection.

BASIS OF INSPECTION

§ 56.13 *Conditions prerequisite to inspection.* (a) Inspection of products shall be made pursuant to this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Assistant Administrator.

(b) Ante-mortem examination of poultry and domestic rabbits may be required by the Assistant Administrator as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Assistant Administrator.

§ 56.14 *Sanitary requirements.* Inspection of products for condition and wholesomeness shall be made only where such sanitary conditions as the Assistant Administrator may require are maintained.

§ 56.15 *Meat Inspection Regulations applicable.* Any provisions of the meat inspection regulations (9 CFR 1.1 et seq.), as amended, of the Department which the Assistant Administrator determines to be applicable to products shall be enforced in connection with inspections pursuant to the act and this part.

INSPECTION OF PRODUCTS

§ 56.16 *Time of inspection in an official plant.* The inspector who is to perform any inspection in an official plant shall be informed, in advance, of the hours when inspection will be required. Unless otherwise permitted by the Assistant Administrator, no product may be prepared or handled in an official plant except in such manner as may be prescribed by the Assistant Administrator and under the supervision of an inspector.

§ 56.17 *Accessibility of product.* Each product for which inspection is requested shall be made accessible for inspection and shall be so placed as fully to disclose its condition.

§ 56.18 *Evisceration.* When any inspection of dressed poultry or dressed domestic rabbits is made at the time of evisceration, each carcass shall be open so as to expose the organs and the body cavities for proper examination by the inspector. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector: *Provided,* That the Assistant Administrator may, whenever he deems it advisable and under such conditions as he may prescribe, authorize the removal, from such carcass or parts, as aforesaid, of any part thereof prior to such inspection if such part will not be used in the preparation of any edible product.

§ 56.19 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 56.20 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector, as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 56.21 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision can not be made on first examination by the inspector, shall be held for further inspection. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed and such carcass, and the parts thereof, are certified or condemned.

§ 56.22 *Identification labels.* An inspector may use such labels, devices, and methods as may be approved by the Assistant Administrator (a) for the identification of products which are to be held for further inspection, and (b) for identification of equipment and utensils which are to be held for proper cleaning.

§ 56.23 *Uninspected product may not be handled in any official plant; reinspection of products.* (a) All dressed poultry and dressed domestic rabbits which are eviscerated in any official plant must be inspected by an inspector at the time of evisceration. No edible product other than an inspected and certified edible product may be brought into an official plant for further processing: *Provided,* That such edible product is properly identified and reinspected by an inspector at the time such product is brought into such plant. If, upon reinspection, any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as will prevent its use for human food.

(b) Any product in an official plant shall be inspected in such plant as often as an inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. If, upon reinspection, any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as will prevent its use for human food.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

APPEALS

§ 56.24 *How appeals shall be made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, make an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

INSPECTORS

§ 56.25 *Veterinary inspectors.* Ante-mortem or post-mortem inspection of poultry or domestic rabbits for condition and wholesomeness shall be made only by an inspector who is a veterinarian.

§ 56.26 *Lay inspectors.* Inspection not involving antemortem inspection of poultry or domestic rabbits, or the inspection of dressed poultry or dressed domestic rabbits for condition and wholesomeness at the time of evisceration, may be made by an inspector who is not a veterinarian.

§ 56.27 *Identification.* All inspectors shall have in their possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such inspectors.

§ 56.28 *Financial interest of inspector.* No inspector shall inspect any product in which he is directly or indirectly financially interested.

§ 56.29 *Report of work.* Reports of the work of inspection carried on within an official plant shall be forwarded to the Administration by the inspector on such blanks and in such manner as may be specified by the Assistant Administrator.

§ 56.30 *Information to be furnished to inspectors.* When any inspection is made within an official plant, the applicant for such inspection shall furnish to the inspector or inspectors making such inspection such information as may be required for the purposes of § 56.29 hereof.

§ 56.31 *Report of violations.* Each inspector shall report, in the manner prescribed by the Assistant Administrator, all violations and noncompliances under this part of which such inspector has knowledge.

INSPECTION CERTIFICATES

§ 56.32 *Issuance of dressed poultry and dressed domestic rabbit inspection certificates.* Each inspector shall issue a separate dressed poultry inspection certificate for each lot of dressed poultry inspected by him, and a separate dressed domestic rabbit inspection certificate for each lot of dressed domestic rabbits inspected by him; but in no case shall an inspector sign any such certificate covering any dressed poultry or dressed domestic rabbits not inspected by him.

§ 56.33 *Form.* Each inspection certificate issued pursuant to § 56.32 hereof shall be approved by the Assistant Administrator as to form and it shall show the class or classes of poultry or domestic rabbits, the quantity of each contained in the respective lot, and all per-

tinent information concerning the condition and wholesomeness of each such lot.

§ 56.34 *Disposition.* The original of any inspection certificate, issued pursuant to § 56.32 hereof, and not to exceed two copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was made, and one copy shall be forwarded to the Administration. Such copies shall be kept on file until otherwise ordered by the Assistant Administrator.

§ 56.35 *Advance information.* Upon the request of any applicant for inspection, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him at his expense.

§ 56.36 *Issuance of food product inspection certificates.* Upon the request of an interested party, the inspector is authorized to sign and issue a food product inspection certificate with respect to any inspected and certified edible product: *Provided,* That when any edible product has been previously inspected and certified by the Administration and properly marked, and later had been moved to some location other than the place where such edible product was previously prepared, inspected, and certified, a food product inspection certificate covering such edible product may be issued upon the request of the person in whose possession such product is at that time, after suitable examination has been made by an inspector or any other person authorized by the Administration to sign such food product inspection certificate.

§ 56.37 *Form.* Each food product inspection certificate, issued pursuant to § 56.36 hereof, shall be approved by the Assistant Administrator as to form, and shall show the names of the edible products covered by such certificate, the quantity of each such products, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness of the food products covered by the certificate.

§ 56.38 *Disposition.* The original of a food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy will be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administration. Such copies shall be kept on file until otherwise ordered by the Assistant Administrator.

§ 56.39 *Issuance of export certificates.* Upon the request of an exporter, the inspector is authorized to sign and issue an export certificate for the shipment of any inspected and certified product to any foreign country: *Provided,* That when any edible product had been previously inspected and certified by the Administration and properly marked, and later had been moved to some location other than the place where such edible product was previously prepared, inspected, and certified, an export certificate covering such product may be issued upon the request of the person in whose possession such product is at that time, after suitable examination has been made by an inspector or other person authorized by the Assistant Administrator to sign such export certificate.

§ 56.40 *Form.* Each export certificate issued pursuant to § 56.39 hereof shall be approved by the Assistant Administrator as to form, and each export certificate shall be issued in quintuplicate. Each such certificate shall show the respective names of the exporter and the consignee, the destination, the numbers of the export stamps, if any, attached to the edible products to be exported, the shipping marks, the names of such products, and the net weight.

§ 56.41 *Disposition.* The original of an export certificate shall be delivered to the exporter who requested such certificate. The duplicate copy of such certificate shall be delivered to the exporter for delivery to the agent of the railroad or other carrier transporting the edible products, covered by the export certificate, from the United States. The triplicate copy of such export certificate shall be forwarded to the Administration for filing; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued; the memorandum copy shall be retained by the inspector for filing; and all such copies shall be kept on file until otherwise ordered by the Assistant Administrator.

MARKING, BRANDING, AND IDENTIFYING PRODUCTS

§ 56.42 *Wording of inspection mark.* The inspection mark permitted to be used on edible products which have been inspected and certified shall be as follows:

Inspected for wholesomeness by U. S. Department of Agriculture.

The Assistant Administrator may approve and authorize the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the mark for which they are authorized to be used.

§ 56.43 *Approval of labels.* No trade label bearing the inspection mark shall be printed until the printer's final proof has been approved by the Assistant Administrator; and no label bearing the inspection mark shall be used until finished copies or samples of such label have been approved by the Assistant Administrator.

§ 56.44 *Formulae required.* Copies of each trade label submitted for approval pursuant to § 56.43 hereof, shall, when the Assistant Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product in any container on which it is desired to use the label. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

§ 56.45 *Use of approved labels.* Trade labels approved for use pursuant to § 56.43 hereof, shall be used only on the inspected and certified edible product for which approved or the container of such edible product.

§ 56.46 *Wording on labels.* Each trade label approved for use pursuant to § 56.43 hereof, shall bear the true name of the edible product in the container to which such label is affixed and shall bear in prominent letters and figures of uniform size the inspection mark, as set forth in § 56.42 hereof, and shall also bear, in such manner as may be authorized or approved by the Assistant Administrator, the plant number, if any, of the official plant in which such product was inspected, certified, and packed into the container. Each approved label shall not bear any statement that is false or misleading, and shall be distinctive from all other trade labels used on the same or similar products which are prepared from products which are not inspected and certified.

§ 56.47 *Labels in foreign languages.* Any approved trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. The inspection mark shall appear thereon in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must also be approved pursuant to § 56.43 hereof.

§ 56.48 *Filling of labeled container.* No container which bears or is to bear any approved trade label containing the inspection mark shall be filled in whole or in part with any edible product which has not been inspected and certified and is not sound, wholesome, and fit for human food at the time of such filling, and which is not in conformity with the statements on such trade label.

§ 56.49 *Wording permitted on food products containing poultry products.* Any trade label which is to be affixed to a container of any food product containing poultry product which is packed in any official plant may bear the phrase: "The poultry product contained herein has been inspected and certified at a plant where Federal inspection is maintained." Each such trade label shall also be subject to the provisions in § 56.43 and § 56.47 hereof. Each such product shall be prepared under the supervision of an inspector; and the sanitary requirements of the regulations shall also apply to any food product containing poultry product.

§ 56.50 *Wording permitted on food products containing domestic rabbit products.* Any trade label which is to be affixed to a container of any food product containing domestic rabbit product which is packed in any official plant may bear the phrase: "The domestic rabbit product contained herein has been inspected and certified at a plant where Federal inspection is maintained." Each such trade label shall

also be subject to the provisions in § 56.43 and § 56.47 hereof. Each such product shall be prepared under the supervision of an inspector, and the sanitary requirements of the regulations shall also apply to any food product containing domestic rabbit product.

§ 56.51 *Marking of containers for shipment from one official plant to another official plant.* Each container of any inspected and certified edible products to be shipped from one official plant to another official plant for the further processing of such edible products shall be marked for identification as prescribed and approved by the Assistant Administrator.

§ 56.52 *Marking of containers for export.* Each outside container of any inspected and certified products for export shall be plainly marked in such a way as properly to identify its contents.

SUPERVISION OF LABELING AND PACKING

§ 56.53 *Affixing inspection mark to products.* No person shall affix or place, or cause to be affixed or placed, the inspection mark or any abbreviation, copy, or representation thereof to or on any products except under the supervision of an inspector or other person authorized by the Assistant Administrator.

§ 56.54 *Affixing inspection mark to container.* No person shall affix or place, or cause to be affixed or placed, the inspection mark or any abbreviation, copy, or representation thereof to or on a container of products except under the supervision of an inspector or other person authorized by the Assistant Administrator.

§ 56.55 *Filling of container.* No person shall place, or cause to be placed, any products in any container bearing, or intended to bear, the inspection mark or any abbreviation, copy, or representation thereof except under the supervision of an inspector or other person authorized by the Assistant Administrator.

CHARGES FOR INSPECTION SERVICE

§ 56.56 *On a contract basis.* Fees to be charged and collected for inspection services furnished on a contract basis shall be such as are provided in such contract.

§ 56.57 *On a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based upon the time required to render such services, including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $2.40 per hour for each inspector for the time actually required. Such further charges, as will reimburse the Administration, may be made for traveling expenses and other items paid or incurred by the Administration in connection with such inspection services.

§ 56.58 *For extra copies of certificates.* For not to exceed three extra copies of any inspection certificate issued to any interested party, the fee shall be $1.00.

§ 56.59 *How fees shall be paid.* Fees shall be paid by the applicant for an inspection in accordance with the directions on the fee bill furnished such applicant by the regional supervisor, and, if required by such regional supervisor, the fees shall be paid in advance.

DISPOSITION OF FEES

§ 56.60 *Inspections made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

§ 56.61 *Inspections made by an inspector acting exclusively for the Administration.* Fees for inspections made by an inspector acting exclusively for the Administration shall be promptly remitted to the Administration.

MISCELLANEOUS

§ 56.62 *Political activity.* All inspectors are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

§ 56.63 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to have been made or committed by any person in connection with the making or filing of any application for inspection or appeal, the use of any inspection certificate issued pursuant to this part, or the use of any official stamp, tag, seal, mark, or approved label, or any wilful violation of the regulations or of the supplementary rules and instructions issued by the Assistant Administrator may be deemed sufficient cause for debarring such person from any benefits of the act after opportunity for hearing has been accorded him.

§ 56.64 *Publications.* Publications under the act and the regulations shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcement of the Administration, and such other media as the Assistant Administrator may, from time to time, approve for the purpose.

Issued at Washington, D. C., this 16th day of October 1945.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45-19197; Filed, Oct. 17, 1945; 11:16 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF MALONE-DUFORT AIRPORT AS TEMPORARY AIRPORT OF ENTRY

OCTOBER 15, 1945.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V (5 F.R. 2223), the designation of Malone Airport, Malone, New York, as a temporary port of entry for aliens arriving in the United States by aircraft is hereby rescinded and the Malone-Dufort Airport, Malone, New York, is designated as a temporary port of entry for aliens arriving in the United States by aircraft.

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations is amended by striking "Malone, N. Y., Malone Airport" from the list of temporary ports of entry for aliens arriving by aircraft and inserting in place thereof "Malone, N. Y., Malone-Dufort Airport."

TOM C. CLARK,
Attorney General.

Approval recommended: September 25, 1945.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 45-19201; Filed, Oct. 17, 1945; 11:26 a. m.]

MISCELLANEOUS AMENDMENTS

SEPTEMBER 19, 1945.

The following amendments to Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

PART 105—HEAD TAX

Section 105.2 is amended by deleting the penultimate sentence which reads as follows: "He shall report such collections only as a part of the statistical section of his annual report as recoveries of head tax, separately as to the number of and amount collected from nonimmigrant aliens and immigrant aliens."

PART 110—PRIMARY INSPECTION AND DETENTION

Section 110.1 is amended by adding "Bridgewater, Maine" at the beginning of the list of ports of entry for aliens in District No. 1 and by inserting "Lake Charles, La.", between "Savannah, Ga." and "New Orleans, La." in the list of ports of entry for aliens in District No. 6.

Section 110.3 (b) is amended by striking "Bellingham, Wash., Graham Airport" from the list of temporary ports of entry for aliens arriving by aircraft.

The first sentence of § 110.38 is amended to read as follows: "Citizens of Canada or Newfoundland who entered the United States across the Canadian border prior to October 1, 1906,

and citizens of Mexico who entered across the Mexican border prior to July 1, 1908, shall, for reentry purposes, be presumed to have been lawfully admitted, even though no record of their original entry can be found."

PART 165—FORMAL PETITIONS AND APPLICATIONS

Section 165.15 is hereby revoked.

The following new section is added to Part 165:

§ 165.20 *Verification of arrival of lawfully resident alien relative of applicant for visa.* In order that American consuls may be advised whether the husband, father, or mother of an alien applying for a visa under section 6 (a) (2) of the Immigration Act of 1924 (43 Stat. 155; 8 U.S.C. 206), or any other relative of an applicant for a visa, has been lawfully admitted to the United States for permanent residence, a Form I–475 should be furnished to the husband, father, mother, or interested relative upon request therefor. The form should be filled out by such person and mailed to the immigration and naturalization officer in charge at the port of his or her last entry, if arrival was before July 1, 1924, and to the Central Office, if arrival was after that date on an immigration visa or a reentry permit, or if arrival is based on a record of registry. The certification on the reverse of Form I–475 will be executed in every case where a record is found. A statement will be made under "Remarks" to show the character of the admission and any discrepancies observed between the statements in the Form I–475 and the facts shown by the record of admission. The Form I–475 will be mailed direct by the verifying office to the "Department of State, Washington, D. C." for transmittal to the appropriate American Consul aboard. The date of verification and the consulate to which the form is to be sent should be noted on the record of admission. If no record of the alleged arrival can be found, the Form I–475 will be returned to the applicant with a statement to that effect, unless investigation is deemed necessary to determine the need for further action by the Service. In verifications made by ports of entry where the manifest record shows a permit number, a departure reference, a Central Office file number, or where the entry appears to be fradulent, the request will be routed through the Central Office for checking and appropriate action.

PART 168—FIELD SERVICE OFFICERS' POWERS AND DUTIES

Part 168, of which § 168.11 is the only remaining section, is hereby revoked.

Subchapter D—Nationality Regulations

PART 365—DECLARATION OF INTENTION

Section 365.3 is amended by substituting "N–210–A, N–225–A, or N–230–A" for "N–210–A or N–225–A".

Section 365.5 is amended by substituting "N–210–A, N–225–A, or N–230–A" for "N–210–A or N–225–A".

This order shall become effective at the time of filing with the Division of the Federal Register.

(Amendment to § 110.3 (b) issued under sec. 7 (d) of the Air Commerce Act of 1926 (44 Stat. 572; 49 U. S. C. 177 (d)) and sec. 1 of Reorg. Plan No. V (5 F.R. 2223); other amendments to Subchapter B issued under sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 102, 222, 458; sec. 1, Reorg. Plan No. V (5 F.R. 2223); 8 CFR, 1943 Supp., 90.1. Amendments to Part 365, Subchapter D, issued under secs. 327, 329 (a), 54 Stat. 1150, 1152, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 727, 729, 458; 8 CFR, 1943 Supp., 90.1)

[SEAL] UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: October 16, 1945.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 45–19202; Filed, Oct. 17, 1945; 11:26 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

Subchapter F—Animal Breeds

[B. A. I. Order 365, Amdt. 1]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

SHORTHORN CATTLE

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the act of June 17, 1930 (46 Stat. 673; 19 U.S.C., sec. 1.201, par. 1606), paragraph (b) (of) § 151.6, Chapter I, Title 9, Code of Federal Regulations (section 2, paragraph 2, regulation 2, B. A. I. Order 365), is amended, effective October 15, 1945, by adding to the subdivision of said paragraph relating to cattle the following breed and book of record:

CATTLE

Name of breed	Book of record	By whom published
Shorthorn (Lincolnshire Red).....	Lincolnshire Red Shorthorn Section of the Canadian National Live Stock Record General Stud and Herd Book.	Canadian National Live Stock Records, R. G. T. Hitchman, Director, Ottawa, Canada.

Done at Washington, D. C., this 16th day of October 1945. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. B. HUTSON,
Acting Secretary of Agriculture.

[F. R. Doc. 45–19196; Filed, Oct. 17, 1945; 11:16 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. 319–C]

FIRST PILOTS

MODIFICATION OF REQUIREMENTS AS TO CERTAIN AIRPORTS

Extending the effective period of special Civil Air Regulation Serial Number 319—noncompliance with the requirements of § 40.2611 (b) of the Civil Air Regulations.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of October 1945.

Effective October 8, 1945, Special Civil Air Regulation Serial Number 319 is amended by striking the words "October 8, 1945" and inserting in lieu thereof the words "October 8, 1946."

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

NOTE: The termination date of this regulation was previously extended to October 8, 1945 by Special Civil Air Regulation Serial Number 319–B.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45–19203; Filed, Oct. 17, 1945; 11:37 a. m.]

[Regs. Serial No. 346]

DC–4 (C–54E) TYPE AIRPLANES

AUTHORIZATION FOR USE IN SCHEDULED AIR TRANSPORTATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 11th day of October, 1945.

The following Special Civil Air Regulation is made and promulgated to become effective October 11, 1945:

Notwithstanding the provisions of Part 04 of the Civil Air Regulations, DC–4 (C–54E) type airplanes are authorized for use in scheduled air transportation with the following exceptions to Part 04:

1. A master switch disconnecting all sources of electrical power from the electrical distribution system of the airplane will not be required.

2. A maximum take-off gross weight of 61,100 pounds may be authorized when there are no fuel dump chutes installed on the aircraft.

This regulation shall terminate February 1, 1946.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45–19204; Filed, Oct. 17, 1945; 11:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 289,[1] Amdt. 35]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amend-

[1] 10 F.R. 2352, 2658, 2928, 3554, 3948, 3950, 5772, 5792, 6232, 7340, 7852, 9084.

ment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 289 is amended in the following respects:

1. Section 29 (a) (1) (i) is amended to read as follows:

(i) The maximum price for the sale of any "cheese item" conforming completely with the standards described in paragraph (c) (9) (i) (ii) (iii) (iv) (v) and (vi) respectively of this section and delivered at any place in Wisconsin shall be the appropriate price set forth in Table A below:

TABLE A

[In cents per pound]

Group	Type of cheese	Cheese factories	Assemblers	Sales and deliveries by—		
				Primary wholesalers	Nondelivering wholesaler	Service wholesalers
I	Pasta Filata (stringy curd) or provolone	33½	35	36½	38¾	42
II	Parmesan-reggiano	41	42½	44½	47	50½
III	Monte, Modena	33¾	35	36¾	39	42¼
IV	Asiago (soft)	28¼	29	29½	30¾	31¾
V	Romano	47¼	48¾	53	55½	59½
VI	Asiago (medium)	34½	36	38	40½	44

2. Section 29 (a) (1) (ii) is amended to read as follows:

(ii) The maximum price for the sale of any cheese item manufactured by the process prescribed in paragraph (c) (9) (i), (ii), (iii), (iv), (v) and (vi), respectively, of this section but failing in any respect to satisfy any of the requirements set forth for the applicable group or definition and delivered at any place in Wisconsin shall be the appropriate price for the group otherwise applicable set forth in Table B below:

TABLE B

[In cents per pound]

Group	Type of cheese	Cheese factories	Assemblers	Sales and deliveries by—		
				Primary wholesalers	Nondelivering wholesaler	Service wholesalers
I	Pasta Filata (stringy curd) or provolone	17½	18¼	19¼	20½	22¼
II	Parmesan Reggiano	20	21	22	23½	25½
III	Monte, Modena	12	12¾	13½	14¼	15½
IV	Asiago (soft)	12	12¾	13½	14¼	15½
V	Romano	21	22	23½	24¾	26¾
VI	Asiago (medium)	16¾	17¾	18¾	20¼	22¼

3. Section 29 (c) (9) (i) is amended to read as follows:

(i) *Provolone or Pasta Filata (stringy curd) and Group I cheese.* The food product commonly known as Provolone or Pasta Filata (stringy curd) cheese is prepared from cow's milk by the following process:

Whole or part skim milk is standardized to adjust the fat content, then warmed and subjected to the action of harmless lactic acid forming bacteria which may either be present in the milk or which may be added. Rennet paste is added in sufficient quantity to coagulate the milk to a semisolid mass. The resulting mass is cut, stirred and heated so as to promote lactic acid development and to permit the separation of the whey from the curd. The mass must be heated during this process to a final cooking temperature of approximately 125 degrees Fahrenheit, following which the whey is drained from the curd. To attain the proper degree of elasticity, the curd is then cut, matted in the vat or kettle, milled, immersed in hot water, kneaded, stretched and pulled, cut to size and finally molded into characteristic, prewar forms and shapes regardless of size. The kneading and pulling operation must be continued until the curd is smooth and free from lumps and brittleness. During the molding operation the loaf is repeatedly dipped into hot water to cause proper sealing of the loaf. Thereafter the cheese is immersed in cold water for firming. It is then salted in brine over a period of several days, first in brine of low density, then in brine of a higher density, following which it is encased in recognized and accepted types of ropes or twine and hung for drying. The cheese is then hung in a special smoking room where it is continuously subjected to the action of natural hardwood smoke until the customary smoked flavor is developed, after which it is placed in a warehouse curing room until the cheese is 60 days old. At some time prior to 60 days from the date of manufacture, each cheese item is paraffined by dipping all surfaces in liquefied paraffin. The cheese must have dry, clean surfaces and must be free from mold prior to paraffining, and the identification as to the name and address of the manufacturer and as to the date of manufacture (subsequently required by this definition) must be clearly legible after paraffining. The cheese must also satisfy the characteristic and distinctive prewar requirements that are recognized in, and accepted by, the domestic Italian cheese industry with respect to the historical types, styles and sizes of cheese and with respect to the stringy curd texture, smoked odor, and smoked flavor customarily associated with Provolone types of Italian cheese. As finally constituted, the cheese must contain not more than 45% moisture, and its solids shall contain not less than 45% of milk fat.

Finally, any time before paraffining, the name and address of the manufacturer, in full or abbreviated form, and the week and month of manufacture shall be prominently stamped in type of face of at least 3/16ths of an inch in height on opposite sides of the cheese as close to the top (where the hanging string is connected) as is practicable. That portion of the cheese containing these identifying marks shall be the last piece sold to the ultimate consumer or processed.

Any cheese which is manufactured by the above process, but which fails in any respect to satisfy any of the requirements set forth, shall be eligible for sale only at the maximum prices established for Group I cheese in Table B of this section.

4. Section 29 (c) (9) (ii) is amended to read as follows:

(ii) *Parmesan-Reggiano and Group II cheese.* The food product commonly known as Parmesan-Reggiano, Asiago old, and Group II cheese is a granular type cheese prepared from cow's milk by the following process:

Whole or part skim milk is standardized to adjust the fat content, then warmed and subjected to the action of harmless lactic acid forming bacteria which may either be present in the milk or which may be added. Rennet paste is added in sufficient quantity to coagulate the milk to a semisolid mass. The resulting mass is cut and heated while being stirred. The cutting of the curd during the stirring and heating process is continued until the particles are no larger than the size of wheat kernels. The final cooking temperature should approximate 125 degrees Fahrenheit. After being properly cut and firmed the curd is allowed to precipitate at the bottom of the kettle or vat and is thereafter removed from the kettle or vat by means of a cloth, drained for a short time, and then packed in customary sized hoops for pressing. About 3 days after pressing, the cheese is brine salted for a period of at least one day for each two pounds of cheese in the loaf, or dry salted for a period of at least three days for each two pounds of cheese in the loaf. After salting, the cheese is removed to a cool well ventilated room where it is held on shelves by the manufacturer until at least 16 months old, during which period the cheese is frequently turned, buffed and rubbed with oil. At some time during the curing operation the cheese may be removed from the shelves and the rind coated or artificially colored. At the end of the 16 month period the cheese must have a definitely granular texture, a mellow nutty characteristic flavor, and a rind which is hard, resistant and brittle. The cheese must be of such composition to grate readily, and when grated to dissolve freely in hot liquid. Furthermore, the cheese must be manufactured in customary and recognized pre-war types, styles and sizes normally and historically used in producing Parmesan type cheeses. As finally constituted, the cheese must contain not more than 32% moisture and its solids must contain not less than 36% of milk fat. Sbrinz cheese, however, is specifically exempted from the provisions of this regulation. The maximum price for Sbrinz cheese is controlled by Maximum Price Regulation 280.

Finally, at any time prior to initial sale and delivery of the cheese, the name and address of the manufacturer, in full or abbreviated form; and the month and year of manufacture shall be prominently imprinted in type face of at least ¾ths of an inch high around the side of the cheese. That portion of the cheese containing these identifying marks shall be the last piece sold to the ultimate consumer or processed.

Any cheese which is manufactured by the above process, but which fails in any respect to satisfy any of the requirements set forth, shall be eligible for sale only at the maximum prices established for Group II cheese in Table B of this section.

5. Section 29 (c) (9) (iii) is amended to read as follows:

(iii) *Monte, Modena and Group III cheese.* The food product commonly known at Monte, Modena and Group III cheese is a granular type cheese prepared from cow's milk by the following process:

Whole or part skim milk is standardized to adjust the fat content, then warmed and subjected to the action of harmless lactic acid forming bacteria which may either be present in the milk or which may be added. Rennet paste is added in sufficient quantity to coagulate the milk to a semi-solid mass. The resulting mass is cut and heated while being stirred. The cutting of the curd during the stirring and heating process is continued until the particles are no larger than the size of wheat kernels. The final cooking temperature should approximate 125 degrees Fahrenheit. After being properly cut and firmed the curd is allowed to precipitate at the bottom of the kettle or vat and is thereafter removed from the kettle or vat by means of a cloth, drained for a short time, and then packed in customary sized hoops for pressing. About 3 days after pressing, the cheese is brine salted for a period of at least one day for each two pounds of cheese in the loaf, or dry salted for a period of at least three days for each two pounds of cheese in the loaf. After salting, the cheese is removed to a cool well ventilated room where it is held on shelves by the manufacturer until at least 12 months old, during which period the cheese is frequently turned, buffed and rubbed with oil. At the end of the 12 month period the cheese must have a definitely granular texture, a sharp characteristic flavor, and a rind which is hard, resistant and brittle. The cheese must be of such composition to grate readily, and when grated to dissolve freely in hot liquid. Furthermore, the cheese must be manufactured in customary and recognized pre-war types, styles and sizes normally and historically used in producing Parmesan type cheeses. As finally constituted, the cheese must contain not more than 32% moisture and its solids must contain not less than 25% of milk fat.

Finally, at any time prior to initial sale and delivery of the cheese, the name and address of the manufacturer, in full or abbreviated form, and the month and year of manufacture shall be prominently imprinted in type face of at least ¾ths of an inch high around the side of the cheese. That portion of the cheese which contains these identifying marks shall be the last piece sold to the ultimate consumer or processed.

Any cheese which is manufactured by the above process, but which fails in any respect to satisfy any of the requirements set forth, shall be eligible for sale only at the maximum prices established for Group III cheese in Table B of this section.

6. Section 29 (c) (9) (iv) is amended to read as follows:

(iv) *Asiago Soft and Group IV cheese.* The food product commonly known as Asiago (soft) cheese is prepared from cow's milk by the following process:

Whole milk, which may or may not be pasteurized, is standardized to adjust the fat content, then warmed and subjected to the action of harmless lactic acid forming bacteria which may either be present in the milk or which may be added. Rennet is added in sufficient quantity to coagulate the milk to a semi-solid mass. The resulting mass is cut, stirred and heated so as to promote lactic acid development and to permit separation of the whey from the curd. The mass must be heated during this process to a final cooking temperature of approximately 125 degrees Fahrenheit, following which the curd is drained from the whey. When the curd is sufficiently firm, it is removed from the kettle or vat by means of a cloth, drained for a short time and then packed in hoops for pressing. After pressing, the cheese is salted in brine and moved to a cool, well ventilated room, where it is held on shelves until at least 4 months old. The surface of the cheese during this curing period is occasionally rubbed with vegetable oil. Prior to sale the cheese must have dry, clean surfaces and the identification as to name and address of the manufacturer and as to the date of manufacture (subsequently required by this definition) must be clearly legible. The cheese must also satisfy the characteristic and distinctive pre-war requirements that are recognized in, and accepted by, the Italian cheese industry with respect to historical types, styles, and sizes and must have the firm texture customarily associated with this type of Italian cheese. As finally constituted, the cheese must contain not more than 39% moisture and its solids must contain not less than 48% milk fat.

Finally, any time before initial sale, the name and the address of the manufacturer, in full or in abbreviated form, and the week and month of manufacture, must be stamped with edible ink on the rind of the cheese in type face of at least 3/16th of an inch high. That portion of the cheese containing these identifying marks shall be the last piece sold to the ultimate consumer or processed.

Any cheese which is manufactured by the above process, but which fails in any respect to satisfy any of the requirements set forth shall be eligible for sale only at the maximum prices established for Group IV cheese in Table B of this section.

7. Section 29 (c) (9) (v) is amended to read as follows:

(v) *Romano and Group V cheese.* The food product commonly known as Romano cheese is prepared from cow's milk by the following process:

Whole or part skim milk is standardized to adjust the fat content, then warmed and subjected to the action of harmless lactic acid forming bacteria which may either be present in the milk or which may be added. Rennet paste is added in sufficient quantity to coagulate the milk to a semisolid mass. The resulting mass is cut and heated while being stirred. The cutting of the curd during the stirring and heating process is continued until the particles are no larger than the size of corn kernels. The final cooking temperature must approximate 125 degrees Fahrenheit. The curd, when properly cut and firmed, is allowed to precipitate at the bottom of the kettle or vat and is thereafter removed from the kettle, drained for short time, and then packed in cloth lined hoops or in forms for pressing. It is then salted by immersing in brine for about 24 hours. Thereafter the cheese is removed to a dry room where it is held for 2 or 3 days until the surface moisture of the cheese has completely evaporated. After complete evaporation of all surface moisture, the cheese is regularly rubbed with salt, washed and resalted at intervals of from 3 to 6 days and at this time the cheese may be regularly needle perforated at about the same intervals. The loaves are then washed, dried and held on shelves until not less than 10 months of age. Again, during this curing period the cheese is regularly turned, scraped and may be rubbed with oil. Prior to shipping, the cheese may be colored so as to coat on the cheese its normal color. The cheese must satisfy the characteristic and distinctive pre-war requirements that are recognized in, and accepted by, the domestic Italian cheese industry with respect to historical types, styles and sizes of cheese, and must have a definitely granular texture, piquant characteristic flavor and hard resistant and brittle rind customarily associated with that type of Italian cheese. Furthermore, the cheese as finally constituted must grate readily, and when grated must dissolve freely in hot liquid. As finally constituted, the cheese must contain not more than 32% of moisture, and its solids must contain not less than 40% of milk fat.

Finally, at any time prior to initial sale and delivery of the cheese, the name and address of the manufacturer, in full or abbreviated form, and the month and year of manufacture shall be prominently imprinted in type face of at least ¾ths of an inch high on the side of the cheese. That portion of the cheese containing these identifying marks shall be the last piece sold to the ultimate consumer or processed.

Any cheese which is manufactured by the above process, but which fails in any respect to satisfy any of the requirements set forth, shall be eligible for sale only at the maximum prices established for Group V cheese in Table B of this section.

8. Section 29 (c) (9) (vi) is amended to read as follows:

(vi) *Asiago medium and Group VI cheese.* The food product commonly known as Asiago (medium) cheese is prepared from cow's milk by the following process:

Whole or part skim milk is standardized to adjust the fat content, then warmed and subjected to the action of harmless lactic acid forming bacteria which may either be present in the milk or which may be added. Rennet paste is added in sufficient quantity to coagulate the milk to a semisolid mass. The resulting mass is cut and heated while being stirred. The cutting of the curd during the stirring and heating process is continued until the particles are no larger than the size of wheat kernels. The final cooking temperature should approximate 125 degrees Fahrenheit. After being properly cut and firmed the curd is allowed to precipitate at the bottom of the kettle or vat and is thereafter removed from the kettle or vat by means of a cloth, drained for a short time, and then packed in customary sized hoops for pressing. About 3 days after pressing, the cheese is brine salted for a period of at least one day for each two pounds of cheese in the loaf, or dry salted for a period of at least three days for each two pounds of cheese in the loaf. After salting, the cheese is removed to a cool well ventilated room where it is held on shelves by the manufacturer until at least 8 months old, during which period the cheese is frequently turned, buffed and rubbed with oil. At some time during the curing operation the cheese may be removed from the shelves and the rind coated or artificially colored. At the end of the 8 month period the cheese must have a smooth compact body, sharp nutty characteristic flavor, and a firm rind. Furthermore, the cheese must be manufactured in customary and recognized pre-war types, styles and sizes normally and historically used in producing Asiago medium type cheeses. As finally constituted, the cheese must contain not more than 35% moisture and its solids must contain not less than 45% of milk fat.

Finally, at any time prior to initial sale and delivery of the cheese, the name and ad-

dress of the manufacturer, in full or abbreviated form, and the month and year of manufacture shall be prominently imprinted in type face of at least ¾ths of an inch high around the side of the cheese. That portion of the cheese containing these identifying marks shall be the last piece sold to the ultimate consumer or processed.

Any cheese which is manufactured by the above process, but which fails in any respect to satisfy any of the requirements set forth, shall be eligible for sale only at the maximum prices established for Group VI cheese in Table B of this section.

9. Section 29 (c) (9) (vii) is deleted.

10. The last paragraph of section 33 (c) (2) is amended by inserting the words "or restaurants" after the word "stores" and before the word "operated."

This amendment shall become effective October 22, 1945, except that the identification requirements in section 29 (c) (9) (i) (ii) (iii) (iv) (v) and (vi) shall not become effective until December 31, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

Approved: October 9, 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-19210; Filed, Oct. 17, 1945; 11:42 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[2] Amdt. 149]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In Appendix K, Table 2, Maximum Prices for Juice Grapes grown in California and Table Grapes grown in California and Arizona, footnote reference 5 is deleted from items 5 and 9 in Column 4 and added to items 6, 7, 8, 10, 11 and 12 in Column 4 and footnote 5 is amended to read as follows:

[5] On and after October 17, 1945, for grapes of the 1945 crop, the Column 5 price shall be for item 6—$1.90, for item 7—$2.15, for item 8—$2.45, for item 10—6.8 cents, for item 11—7.7 cents and for item 12—3.8 cents.

This amendment shall become effective at 12:01 a. m., October 17, 1945.

Issued this 16th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19150; Filed, Oct. 16, 1945; 4:37 p. m.]

[2] 10 F.R. 7403, 7500, 7539, 7578, 7668, 7683, 7799, 8021, 8069, 8239, 8239, 8467, 8611, 8657, 8905, 8936, 9023, 9023, 9023, 9118, 9119, 9277, 9447, 9628, 9928, 10025, 10029, 10311, 10303, 11072, 12213, 12084, 12408, 12447, 12532, 12367, 12702.

PART 1305—ADMINISTRATION

[Supp. Order 132,[1] Amdt. 3]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOOD, GRAINS AND CEREALS, FEED, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Supplementary Order No. 132 is amended in the following respect:

In section 1 (c) the following item is added in alphabetical order:

Imported cigars imported on or after October 22, 1945.

(Imported cigars include all types of cigars, cheroots, stogies, and little cigars manufactured or produced outside the continental United States, its territories or possessions (except those weighing less than 3 pounds per thousand). Imported cigars in customs or in bond before October 22, 1945 shall be considered imported before October 22, 1945.)

This amendment shall become effective this October 22, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19214; Filed, Oct. 17, 1945; 11:42 a. m.]

PART 1412—SOLVENTS

[MPR 295, Amdt. 10]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 295 is amended in the following respects:

1. Section 1412.162(5) is amended to read as follows:

(5) "Ethyl alcohol" means ethyl alcohol produced in an industrial alcohol plant or any other type of plant for sales to any person.

2. The following new paragraph is added to § 1412.165, Appendix A:

(h) Excepting ethyl alcohol produced from grain and purchased from the Office of Defense Supplies or other government agency for resale, none of the provisions of this Sec. 1412.165, Appendix A, or any other price regulation shall apply to sales of West Coast ethyl alcohol produced from grain on or after midnight September 30, 1945.

This amendment shall become effective October 19, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19211; Filed, Oct. 17, 1945; 11:42 a. m.]

[1] 10 F.R. 11512, 11808.

PART 1412—SOLVENTS

[MPR 28, Amdt. 13]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 28 is amended in the following respects:

1. Section 1412.260 (a) (3) is amended to read as follows:

(3) "Ethyl alcohol" means ethyl alcohol, whether undenatured (including pure) or denatured, of 188 proof or higher produced in an industrial alcohol plant or in any other type of plant for sales to any person.

2. The first sentence of the first paragraph of § 1412.263, Appendix A, is amended to read as follows:

The following maximum prices are established, f. o. b. manufacturer's production point, for sales by manufacturers in quantities of fifty gallons or more of ethyl alcohol (i) produced in any state of the United States and the District of Columbia except California, Oregon and Washington, or (ii) purchased from the Office of Defense Supplies or any other government agency.

3. The schedule of maximum prices for fermentation ethyl alcohol in § 1412.263, Appendix A (a) (1), is amended to read as follows:

Formula:	*Fermentation ethyl alcohol (per gallon)*
CD12	$0.52
CD13	.52
CD14	.52
SD1	.52
SD2B	.50
SD3A	.50
SD12A	.495
SD23A	.51
SD23G	.55
SD23H	.515
Proprietary name solvent	.53

4. In § 1412.263, Appendix A (b) (1) (i), substitute the figure "$0.50" for "$0.48."

5. The following new paragraph is added at the end of § 1412.263, Appendix A:

(j) Excepting ethyl alcohol produced from grain and purchased from the Office of Defense Supplies or another government agency for resale, none of the provisions of this Sec. 1412.263, Appendix A, or any other price regulation shall apply to sales of ethyl alcohol produced from grain on and after midnight September 30, 1945.

This amendment shall become effective October 19, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19208; Filed, Oct. 17, 1945; 11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[2d Rev. MPR 183,[1] Amdt. 11]

BEANS, GARBANZOS, LENTILS AND PEAS IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 4.25 (b) of Second Revised Maximum Price Regulation 183 is amended to read as follows:

	Price at wholesale	Price at retail
All dried beans (except dried peas, lima beans and garbanzos) imported from the continental United States:	*Per hundredweight*	*Per pound*
Grades 1, 2, 3 and better	$8.15	$0.09
All grades inferior to U. S. 3 including samples and substandards	7.00	.08
All grades of lima beans and baby lima beans imported from continental United States	9.00	.10
All grades of dried peas imported from the continental United States	7.00	.08
	Per 50 kilos	
All grades and counts of garbanzos	$10.00	.11
	Per hundredweight	
All grades of red, pink and mottled varieties and lentils not imported from the continental United States	$12.50	.15
All grades of white varieties of dried beans not imported from the continental United States	11.50	.14
Pigeon peas not imported from the continental United States	6.50	.08

[1] On home delivered sales the maximum price at retail, except for lentils, may be increased by 1¢ per pound.

NOTE: The above prices do not apply on sales of seeds to the Federal or Insular Government or to the agencies of either, which sales are exempted from price control.

This amendment shall become effective as of the 15th day of October 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19209; Filed, Oct. 17, 1945; 11:41 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 108 Under 3 (b), Amdt. 7]

SELLERS OF HIGH WINES

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

Order No. 108 under § 1499.3 (b) of the General Maximum Price Regulation is amended by adding at the end thereof the following provision: "Excepting high wines produced from grain and purchased from the Office of Defense Supplies or other government agencies for resale, none of the provisions of this order or the General Maximum Price Regulation shall apply to sales to the Office of Defense Supplies of any high wines produced from grain on or after midnight September 30, 1945."

This amendment shall become effective October 19, 1945.

[1] 10 F.R. 7635, 8933, 9223, 9227, 10224, 10976, 11666, 11811.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19207; Filed, Oct. 17, 1945; 11:43 a. m.]

Chapter XXIII—Surplus Property Administration

[SPA Reg. 5, Order 3]

PART 8305—SURPLUS NONINDUSTRIAL REAL PROPERTY

AUTHORITY TO FEDERAL WORKS AGENCY TO NEGOTIATE A LEASE FOR FIVE YEARS WITH OPTION TO PURCHASE WITH STATE OF TEXAS FOR INSTITUTIONAL PROPERTY

The Federal Works Agency has for disposal the following three (3) properties classified as institutional:

Fort Ringgold, Rio Grande City, Texas,
POW Camp at Mexia, Texas, and
POW Camp at Brady, Texas,

together with all improvements and equipment pertaining thereto, upon which the State of Texas has submitted an offer for a five (5) year lease. The properties are desired for the hospitalization of infectious and indigent cases of tuberculosis; for the custodial care of juvenile delinquent negro girls; and for the establishment of a noncustodial training school for handicapped children; and a vocational institution for adjusted mental patients.

The State Board of Control of Texas represents that it has funds available for the care, maintenance, conversion and improvement of these properties and represents that it has urgent need therefor.

The said State Board of Control also represents that it has no funds immediately available with which to purchase the properties, and desires the lease in order to provide immediate facilities for the purposes indicated above, with an option to purchase the properties in order to protect its investment therein.

Although numerous Government agencies have been contacted and efforts made to interest prospective purchasers, the offer submitted by the State of Texas is the only offer received for these properties; and the cost of presently caring for and handling them is exceedingly burdensome to the Government. The cost of care and handling of the Fort Ringgold property is estimated to be $6,000 per month, and the cost of the care and handling of the other properties is substantial. *It is therefore ordered*, That:

Notwithstanding the provisions of §§ 8305.11 (d) and 8305.12 (c), (d), (e) and (g), the Federal Works Agency, after having given ten (10) days written notice of availability to all Government agencies listed in Schedule B of Regulation 5, who have not previously in writing declined to make an offer for the properties above described, and after having given public notice of availability in a newspaper published or having general circulation in each county in which said properties are located for a period of ten (10) days, is hereby authorized, in the absence of an acceptable proposal from a holder of a higher priority or a proposal from any local government having a priority equal to that of the State of Texas but not showing a greater need, to negotiate the terms of a proposed lease for a period of five (5) years with the representatives of the State of Texas for the purposes indicated hereinabove, with an option to acquire title to the properties. The terms and conditions upon which the Federal Works Agency proposes to execute such lease and such option, together with all supporting evidence, certificates and other pertinent papers in compliance with the provisions of § 8305.12 (h) (5), shall be filed with the Administrator for consideration and direction.

This order shall become effective October 12, 1945.

W. STUART SYMINGTON,
Administrator.

OCTOBER 12, 1945.

[F. R. Doc. 45-19198; Filed, Oct. 17, 1945; 11:21 a. m.]

[SPA Reg. 9]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

Surplus Property Board Regulation 9, June 7, 1945, as amended to August 31, 1945, entitled "Contractor Inventory and Disposals by Owning Agencies" (10 F.R. 7413, 8866, 11402) is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 9. New matter is indicated by underscoring. Order 1, August 10, 1945 (10 F.R. 10091), as revised October 12, 1945, and Order 2, August 17, 1945 (10 F.R. 11198), under this part, shall remain in full force and effect.

GENERAL PROVISIONS

Sec.
8309.21 Regulations by owning agencies to be reported to the Administrator.
8309.22 [Deleted Oct. 12, 1945.]

AUTHORITY: §§ 8309.1 to 8309.21, inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765, 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong. 1st Sess.

GENERAL PROVISIONS

NOTE: Sections 8309.1 to 8309.6, inclusive, formerly §§ 8309.2 to 8309.7, inclusive, redesignated Oct. 12, 1945. Former § 8309.1 deleted Oct. 12, 1945.

§ 8309.1 *Definitions.* (a) "Act" means the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup. 1611).

(b) "Best price obtainable" means the highest price offered which is adequate in the light of a reasonable knowledge or test of the market, having due regard for current prices for any raw materials or products for which quotations are published and to the circumstances, nature, condition, quantity, and location of the particular property.

(c) "Administrator" means the Surplus Property Administrator.

(d) "Care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

(e) "Contract" includes subcontracts, and "contractor" includes subcontractors.

(f) "Contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder; (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder; and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(g) "Disposal agency" means any Government agency designated pursuant to the act to dispose of one or more classes of surplus property.

(h) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(i) "Owning agency" means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of property, otherwise than solely as a disposal agency.

(j) "Property" means any interest, owned by the United States or any Government agency, in personal property, of any kind, wherever located, but does not include naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers and submarines.

(k) "Retain" or "retention" includes any purchase by the war contractor in possession of contractor inventory to which the Government has title, as well as retention of contractor inventory to which the contractor has title.

(l) "Reviewing authority" means a local, regional or departmental board of review of a Government agency; it may consist of one or more persons.

(m) "Salvage" means property that is in such a worn, damaged, deteriorated or incomplete condition, or is of such a specialized nature, that it has no reasonable prospect of sale as a unit, but has some value in excess of its basic material content because it may contain serviceable components. Salvage includes used containers and cable reels. It should be noted that property is not "salvage" merely because it is worn, damaged, deteriorated, incomplete, or of a specialized nature.

(n) "Scrap" means property that has no reasonable prospect of sale except for its basic material content.

(o) "Scrap warranty" means a written warranty by a buyer that property purchased or retained as scrap will in fact be sold or used by the buyer only as scrap. When a scrap warranty is required by this part it shall provide as follows:

> The undersigned represents and warrants to the United States that the property covered by this agreement was offered as scrap, that he is purchasing or retaining it only as scrap and that he will sell and ship or use it only as scrap, either in its existing condition or after further preparation, and only in conformity with all applicable regulations and orders of the Office of Price Administration and the War Production Board.

(p) "Serviceable property" means property that has reasonable prospect of sale for use as a unit either in its existing form or after minor repairs; it includes raw materials, primary forms and shapes and mill products.

(q) "Surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with the act.

(r) "Unserviceable property" means scrap, salvage, and other property that has no reasonable prospect of sale for use as a unit either in its existing form or after minor repairs.

§ 8309.2 *Limitation of application.* Nothing in this part applies to disposals or retentions of the following kinds:

(a) Disposals or retentions of property located outside of the continental United States, its territories and possessions;

(b) Disposals or retentions of plant equipment, as that term is defined in § 8306.1,[1] except when sold as scrap or in small lots as provided herein;

(c) Disposals or retentions of real property;

(d) Disposals or retentions of Government-owned buildings on land owned by or leased to the United States, including any facilities and equipment which are an integral part thereof;

(e) Disposals or retentions of property for war production purposes;

(f) Disposals or retentions of property in no-cost settlements of terminated contracts.

§ 8309.3 *War Production Board and Office of Price Administration Regulations.* All retentions and sales under this part shall be subject to applicable regulations of the War Production Board and of the Office of Price Administration.

CONTRACTOR INVENTORY

§ 8309.4 *Owning agencies empowered to authorize retentions or disposals.* In order to further the objectives of the act by assuring the most effective use of Government-owned property for war purposes, aiding in facilitating the transition from wartime to peacetime production and employment, encouraging and fostering postwar employment opportunities, promoting production and disposing of surplus property as promptly as feasible without fostering monopoly or restraint of trade or unduly disturbing the economy or encouraging hoarding, the Administrator hereby empowers each owning agency to authorize any contractor with such agency or subcontractor thereunder that is in possession of any contractor inventory to retain or dispose of such contractor inventory as provided in this part.

§ 8309.5 *Pretermination arrangements.* (a) To the maximum extent practicable, decisions for the retention or disposal by contractors of all types of contractor inventories shall be made in advance of termination by means of pretermination agreements or otherwise. Provisions may be included in pretermination agreements for the determination of what property shall be considered to be scrap and for the retention or disposal of all types of property by the contractor. Pretermination agreements may also provide for the care and handling and removal of contractor inventories and for the classes of property that the owning agency will take over. In order to protect the interests of the Government, owning agencies shall institute appropriate reviewing procedures relating to scrap determination and disposal provisions of pretermination agreements.

(b) Price provisions in pretermination agreements shall comply with the following rules:

(1) Any property, except scrap, which is to be retained by the contractor for his own use may be retained at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale. The agreement shall contain in connection with each such retention a written representation from the contractor that he intends to use or consume the property for manufacturing, construction, main-

[1] SPB Reg. 6 (10 F.R. 6309, 6981, 8665, 10398); § 8306.1 (i) reads as follows: "'Plant equipment' means any property which is located in a war contractor's plant and is covered by a facilities contract, except land and buildings erected on land owned by or leased to the United States." § 8306.1 (f) reads as follows: "'Facilities contract' means a lease, rental agreement or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products."

tenance or repair purposes and that he is not retaining it for the purpose of reselling it at a profit.

(2) Any property, except scrap, which is to be retained by the contractor not for his own use may be retained at either (i) prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale, but in no event less than 50% of cost (estimated if not known) or (ii) market prices.

(3) Any property to be retained by the contractor as scrap may be retained at market prices, with or without a scrap warranty.

(4) All prices referred to in this paragraph (b) may be determined either as of the time of the agreement or the time of termination.

(c) The provisions of this section shall apply to pretermination agreements entered into on or after July 1, 1945.

§ 8309.6 *Retentions and sales at cost.* Retentions or sales by a contractor of any item of contractor inventory at cost shall be deemed to comply with the provisions of §§ 8309.8 to 8309.12, inclusive.

§ 8309.7 *Retentions by contractor of $100 items or groups.* The retention for use or resale of any item or group of identical items the cost of which (estimated, if not known) does not exceed $100 may be authorized at 25% of cost in any case in which the contractor retains all such items or groups of identical items of contractor inventory under any one contract. Owning agencies shall establish spot checking and other reasonable procedures to guard against abuses under any such authority.

§ 8309.8 *Retentions by contractors for own use.* Contractors should be encouraged to retain as large amounts as possible of all types of contractor inventories for use for their manufacturing, construction, maintenance or repair purposes. It is the policy of the Administrator that subcontractors shall be permitted to retain, as against their upper tier contractors, such contractor inventories as they desire, for the purposes and at the prices specified in this section, and exceptions from this policy shall be permitted only in cases where contract rights of upper tier contractors make it necessary; owning agencies shall take appropriate steps to bring this policy to the attention of subcontractors. There shall be obtained in connection with each retention under this section a written representation from the contractor that he intends to use or consume the property for manufacturing construction, maintenance or repair purposes, and that he is not retaining it for the purpose of reselling it at a profit, except that no such representation is required with respect to retentions of property which is retained under § 8309.7 or consists of a small lot as described in § 8309.9 or is a part of a small inventory, as described in § 8309.10. Such retentions shall be at prices that are fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for sale at such time. In order to protect the interests of the Government, appropriate reviewing procedures shall be instituted by owning agencies. Retentions of property by a contractor not for his own use but for later resale shall be treated as sales and shall be governed by the requirements of the appropriate provisions of §§ 8309.9 to 8309.12, inclusive.

§ 8309.9 *Small lots.* (a) The sale (including retention for resale) of any item or group of items in contractor inventory at any location which an owning agency determines to be substantially similar may be authorized at the best price obtainable when the cost (estimated, if not known) of all such items available for sale at any one time at such location and resulting from any one termination does not exceed $300, *Provided, however,* That any group of items consisting of all the identical items of contractor inventory under any one contract the cost of which group (estimated, if not known) does not exceed $100 may be considered to be a small lot.

(b) Any owning agency is authorized to sell at the best price obtainable any small lot of contractor inventory not retained or sold by the contractor.

§ 8309.10 *Sales by contractors; small inventories.* (a) The sale (including retention for resale) of any quantity of any item of contractor inventory may be authorized at the best price obtainable whenever the total of the termination claim of a contractor (deducting amounts payable for completed articles at the contract price and for claims of subcontractors but not deducting disposal credits) is less than $10,000; but completed articles not delivered under the contract and items furnished by the Government for incorporation in end items may not be sold under the authority of this paragraph, unless the cost of such articles and Government-furnished items to be sold and the amount of the termination claim (computed as set forth above in this paragraph) total less than $10,000.

(b) The sale (including retention for resale) of any quantity of any item of contractor inventory may be authorized at a price that is fair and reasonable whenever the net termination claim of a contractor (after disposal credits but including amounts payable for completed articles not delivered under the contract and for claims of subcontractors) is less than $1,000, but items furnished by the Government for incorporation in end items may not be sold under the authority of this paragraph, unless the cost of such items to be sold and the amount of the net termination claim (computed as set forth above in this paragraph) total less than $1,000.

§ 8309.11 *Sales by contractors; unserviceable property.* (a) Unless property affirmatively appears to be serviceable, it shall be considered to be unserviceable property and shall be sold on the open competitive market in accordance with the provisions of this section.

(b) Primary responsibility for determining whether contractor inventory is serviceable or unserviceable rests with the owning agencies. Each agency shall provide procedures for reference to a reviewing authority before classifying as unserviceable, property included in any one inventory and located at any one place, when the cost (estimated if not known) of such property is $25,000 or more. The Reconstruction Finance Corporation has set up a system of field consultants who may be called upon for assistance in determining whether contractor inventory is serviceable or unserviceable and in connection with questions concerning the disposition of unserviceable property. The services of such consultants may be obtained by application to the regional offices of the Reconstruction Finance Corporation. Disposal officers, review boards, and other representatives of owning agencies shall so far as practicable confer with and be guided by such consultants.

(c) Disposals of unserviceable property in all cases, except those falling within §§ 8309.5 to 8309.10, inclusive, and except sales of scrap under specific allocation orders issued by the War Production Board, shall be in accordance with the following policies:

(1) Sales (including retentions for resale) shall be made on the basis of adequate competitive bidding under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids. A scrap warranty may be required by the owning agency whenever it deems such course desirable if the purchase price does not exceed the applicable OPA ceiling price for scrap of the classification into which the property falls.

(2) Upon a determination by the responsible officer, approved by a reviewing authority, that any given property is scrap, such property may be disposed of as such. Whenever the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap, such property may without further review be disposed of as such. Such certification shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPA Regulation No. 9 without further review of such determination.

(3) In exceptional cases or classes of cases, upon a scrap determination or certification pursuant to subparagraph 2 in each instance and upon a determina-

tion by the responsible officer, approved by a reviewing authority, that it would be in the best interests of the Government to dispose of such scrap by negotiated sale, such property may be so disposed of at the best price obtainable. In all such sales a scrap warranty shall be required of the buyer.

§ 8309.12 *Sales by contractors; serviceable property.* Disposals of serviceable property in contractor inventory in all cases, except those falling within §§ 8309.5 to 8309.10, inclusive, and § 8309.13, shall be in accordance with the following policies:

(a) Sales (including retentions for resale) shall be made under rules and regulations prescribed by the owning agencies which shall contain a provision, among others, that in all cases where the amount of serviceable property that will be available for sale at any one time at any one location is estimated to be $10,000 or more (based on cost), notice shall be given by publication in a newspaper of general circulation in the locality, indicating in general terms the types of serviceable property that are expected to be available for sale and naming a date (not less than seven days from the date of first publication) on or after which such property will be available for sale. Sales shall so far as feasible be made in reasonably sized lots.

(b) Sales (including retentions for resale) shall be at the best price obtainable but not less than 50 percent of cost (estimated if not known).

(c) Property which cannot be disposed of within a reasonable period of time on the terms stated in paragraph (b) may be sold at the best price obtainable to any buyer who will consume or use the property in the United States for manufacturing, construction, maintenance or repair purposes. In connection with such sale there shall be obtained from the buyer a written representation that he intends so to use or consume the property and that he is not purchasing it for the purpose of reselling it at a profit.

§ 8309.13 *Used plant equipment in contractor inventory; pricing policy.* The retention or sales price for machine tools, machines, and other classifications of plant equipment for which fixed price schedules are prescribed in or pursuant to Part 8306 [2] of this chapter shall be determined by such fixed price schedules, except in cases falling within §§ 8309.9 and 8309.10.

§ 8309.14 *Destruction or abandonment of worthless property.* An owning agency may authorize any contractor to destroy or abandon any contractor inventory in his possession when, in the opinion of the owning agency, such property is worthless. Whenever the cost of property to be destroyed or abandoned as worthless is more than $1,000, before giving such approval a representative of the owning agency must certify that reasonable efforts have been made to dispose of the property without success by offering such property to at least three persons who deal in that type of scrap or property, or that such offers would be useless, and that in his opinion the property is worthless or that the cost of sale would exceed the proceeds thereof and that the item should be destroyed or abandoned.

§ 8309.15 *Contractor inventory in possession of owning agency.* When any owning agency takes possession of any contractor inventory, all property in such inventory shall be declared surplus as promptly as possible in accordance with the provisions of Part 8301 [3] of this chapter unless it is utilized for supply or otherwise disposed of by the owning agency under authority of or as permitted by the act or this part.

DISPOSALS BY OWNING AGENCIES

§ 8309.16 *Sale of small lots.* (a) The Administrator believes that the cost of care, handling and disposition of small lots of property will generally exceed the proceeds of sale, and that small lots should therefore, in accordance with sections 13 (b) and 14 (b) of the act, be disposed of by owning agencies rather than declared to disposal agencies as surplus. It is recognized that the definition of what constitutes a small lot and the cost of care, handling, and disposition will vary according to the nature of the property. Therefore, the Administrator may from time to time issue orders hereunder setting forth standards to be applied and procedures to be followed in connection with small lots of various classes of property.

(b) Except as specified in any order issued under paragraph (a) of this section, any owning agency is authorized to sell at the best price obtainable any item or group of items of property in its possession which the owning agency determines to be substantially similar when the cost (estimated if not known) of all such items available at any one location at any one time does not exceed $300. Small lots should be disposed of by owning agencies under this section to the fullest extent possible. Notwithstanding the foregoing, if, in the opinion of a disposal agency, such disposition of small lots of any given type of property interferes with the orderly marketing of such type of property by it, such agency may direct the owning agencies to cease sales of such property and to report such property as surplus pursuant to the act.

§ 8309.17 *Sale of waste, salvage, scrap, and products of research and other operations.* (a) To the extent provided in section 14 (b) of the act, any owning agency may sell:

(1) Any waste, salvage, or scrap. The terms "salvage" and "scrap" are defined in § 8309.1.

(2) Any product of research, agricultural, or livestock operations carried on by such agency.

(b) The Administrator hereby restricts the authority of owning agencies to dispose of any other class of surplus property specified in section 14 (b) of the act.

(c) Except as otherwise required by paragraph (d) of this section, all sales made pursuant to this section shall be made at the best price obtainable.

(d) All sales of scrap and salvage made pursuant to this section, except sales of scrap under specific allocation orders issued by the War Production Board, shall be in accordance with the following policies:

(1) Procedures shall be provided for reference to a reviewing authority before classifying as scrap or salvage property (except production scrap) located at any one place at any one time when the cost (estimated if not known) of such property is $25,000 or more. In any event, when the appropriate disposal agency certifies in writing to the owning agency that any given property or any class of property is in its judgment scrap, the owning agency should forthwith and without further review dispose of such property in accordance with the provisions of this part. Such certification may be given at any time before the property has been physically transferred to the disposal agency, and should whenever possible be given before the property is declared surplus.

If the certification is prior to the time that the property is declared surplus, it shall be made by forwarding to the owning agency a memorandum listing and plainly identifying the items in question and containing the following statement:

> It is hereby certified that the within described property has been determined to be scrap and it is requested that sale be effected in accordance with the provisions of SPA Regulation No. 9 without further review of such determination.

If the certification is subsequent to the time that the property is declared surplus, it shall be made by forwarding to the owning agency Form SPB-1.1 listing the items in question and otherwise appropriately executed, with the language quoted above plainly inserted below the column headings across the top of the columns provided for the description of the property, its standard commodity classification, condition, etc.

(2) Sales shall be made on the basis of adequate competitive bidding under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain provisions, among others, requiring lots to be offered in such reasonable quantities as to permit all bidders, small as well as large, to compete on equal terms, requiring wide public notice concerning such sales and time intervals between notice and sale adequate to give all interested purchasers a fair opportunity to buy, and reserving the right to reject all bids. In sales of scrap, a scrap warranty may be required by the owning agency whenever it deems such course desirable.

(3) In exceptional cases or classes of cases, upon a determination by the responsible officer in each instance, approved by a reviewing authority, that any given property is scrap or salvage and that it would be in the best interests of the Government to dispose of it by negotiated sale, such property may be disposed of at the best price obtainable. In all such cases where the property is de-

[2] SPB Reg. 6 (10 F.R. 6309, 6981, 8665, 10398).

[3] SPB Reg. 1 (10 F.R. 3764, 4356, 10398).

termined to be scrap a scrap warranty shall be required of the buyer.

§ 8309.18 *Emergency disposals.* Where emergency circumstances, such as danger of deterioration or considerations of health, safety, or security, make immediate sales by owning agencies desirable without declaration as surplus, the owning agency may proceed to sell the property at prices that are fair and reasonable under the circumstances, after obtaining advance clearance of the appropriate disposal agency if practicable. Reports of such disposals shall be submitted to the Administrator in accordance with orders issued hereunder.

§ 8309.19 *Destruction or abandonment.* Any owning agency may destroy or abandon property upon a finding by a responsible officer, approved by a reviewing authority, that such destruction or abandonment is required by considerations of health, safety, or security. Reports of any such destruction or abandonment shall be submitted to the Administrator in accordance with orders issued hereunder.

§ 8309.20 *Records and reports.* Owning agencies shall prepare and maintain such records as will show full compliance with the provisions of this part and with the applicable provisions of the act. Reports shall be prepared and filed with the Administrator in such manner as may be specified by order issued under this part, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8309.21 *Regulations by owning agencies to be reported to the Administrator.* Each owning agency shall file with the Administrator copies of all regulations, orders, and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

§ 8309.22 [Deleted Oct. 12, 1945.]

This revision of this part shall become effective October 12, 1945.

W. STUART SYMINGTON,
Administrator.

OCTOBER 12, 1945.

[F. R. Doc. 45-19200; Filed, Oct. 17, 1945; 11:22 a. m.]

[SPA Reg. 9, Order 1]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

STANDARDS TO BE APPLIED AND PROCEDURES TO BE FOLLOWED BY OWNING AGENCIES WHEN SELLING SMALL LOTS OF PROPERTY PECULIAR TO AIRCRAFT

Surplus Property Board Regulation 9, Order 1, August 10, 1945 entitled "Limitation on Authority of Owning Agencies to Sell Small Lots of Property Peculiar to Aircraft" (10 F.R. 10091) is hereby revised and amended as herein set forth. The title of the order is amended to read as follows: "Standards to be Applied and Procedures to be Followed by Owning Agencies when Selling Small Lots of Property Peculiar to Aircraft".

Section 8309.16 (b) provides for disposals of small lots of property (as defined therein) by owning agencies. It is recognized in § 8309.16 (a) that what constitutes a small lot for such purposes will vary according to the nature of the property and it is provided that the Administrator may from time to time issue orders thereunder setting forth standards to be applied and procedures to be followed in connection with small lots of various classes of property. The Administrator has determined that such an order is required in the case of property peculiar to aircraft. Further, the Administrator has determined that not only will the cost of declaring and shipping such small lots to disposal agencies and the cost of disposal thereof by such agencies generally exceed the proceeds of sale but also that the declaring of such lots to disposal agencies seriously impairs the effective functioning of such agencies in disposing of economic quantities of surplus property. Accordingly, *It is hereby ordered,* That:

1. Owning agencies should sell at the best price obtainable property peculiar to aircraft surplus to its needs and responsibilities of which the cost (estimated if not known) of any item or group of identical items available at any one location at any one time does not exceed $100.00. Such small lots should not be declared to disposal agencies.

2. Whenever in the opinion of a disposal agency the disposition of such lots of any given type of property peculiar to aircraft interferes with the orderly marketing of such type of property by it, the disposal agency may direct the owning agencies to cease sales of such property and to declare all such property to it as surplus.

This order shall become effective October 12, 1945.

W. STUART SYMINGTON,
Administrator.

OCTOBER 12, 1945.

[F. R. Doc. 45-19199; Filed, Oct. 17, 1945; 11:21 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[G. O. 45, Supp. 8]

PART 306—GENERAL AGENTS AND AGENTS

FREIGHT BROKERAGE AND COMMISSIONS ON FARES

Section 306.123 *Freight brokerage,* paragraph (a) (3), as amended, is hereby revised to read:

(3) Sugar, metals, ores and bulk cargoes other than parcel lots not covered by charter party moving in regular general cargo berth services (including cargo owned by any department or agency of the Government, for the transportation of which a freight is paid) covered by bills of lading, charter party, or contract of affreightment, in long voyage trades or in spheres outside of those covered by paragraph (a) (2): 1¼% of the base freight before all surcharges, war or otherwise, *Provided,* That brokerage shall not be paid:

(i) For services rendered during the period January 1, 1944, to and including January 31, 1945, on that portion of freight charges in excess of $8.00 per manifest ton;

(ii) For services rendered during the period February 1, 1945, to and including September 14, 1945, on that portion of freight charges in excess of $4.00 per manifest ton on bulk and bagged grain and $8.00 per manifest ton on sugar, metals, ores and other bulk cargoes except bulk and bagged grain;

(iii) For services rendered on and after September 15, 1945, on that portion of freight charges in excess of $4.00 per manifest ton (2240#) on coal moving from United States ports to Mediterranean, Black Sea, European, United Kingdom, Scandinavian, and Baltic ports, and on bulk and bagged grain; and in excess of $8.00 per manifest ton (2240#) on sugar, metals, ores and other bulk cargoes, except bulk and bagged grain and except coal cargoes as indicated in this subparagraph.

This supplement supersedes General Order 45, Supp. 7, dated September 7, 1945.

(E.O. 9054, 3 CFR Cum. Supp.)

E. S. LAND,
Administrator.

October 16, 1945.

[F. R. Doc. 45-19194; Filed, Oct. 17, 1945; 9:59 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 99-A]

PART 97—ROUTING OF TRAFFIC

ROUTING OF TRANSCONTINENTAL TRAFFIC; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of October, A. D. 1945.

Upon further consideration of the provisions of Service Order No. 99 (8 F.R. 1652), as amended (9 F.R. 853, 10 F.R. 5464), and good cause appearing therefor: *It is ordered,* That:

Service Order No. 99, as amended, 49 CFR 97.6, *Routing of Transcontinental Traffic; appointment of agent,* be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall become effective at 11:59 p. m., October 31, 1945; that a copy of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the

terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-19195; Filed, Oct. 17, 1945; 11:07 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte Nos. MC-3, MC-4]

PART 193—DRIVING OF MOTOR VEHICLES

PART 194—NECESSARY PARTS AND ACCESSORIES

USE OF RED EMERGENCY REFLECTORS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of September, A. D. 1945.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers; Ex Parte No. MC-3.

In the matter of qualifications of employees and safety of operation and equipment of common carriers and contract carriers by motor vehicle; Ex Parte No. MC-4.

It appearing, that upon the petition of H. N. Carver, doing business as The Miro-Flex Company, seeking amendment of the motor carrier safety regulations, revised, so as to permit the unrestricted use of red emergency reflectors, when motor vehicles are disabled or otherwise stopped upon highways, in interstate or foreign commerce, further hearing in these proceedings has been held, and that the division has made and filed a report thereof containing its findings of fact and conclusions thereon, which report hereby is made a part hereof; [1] and

It further appearing, that the use of red emergency reflectors conforming to the requirements of the specifications set forth in said report will promote safety of operation of motor vehicles and will be in the public interest:

It is ordered, That the use in interstate or foreign commerce of red emergency reflectors by common, contract and private carriers by motor vehicle in conformity with the requirements of the motor carrier safety regulations, revised, as herein amended, be, and it hereby is, authorized; and

It is further ordered, That §§ 193.8 (a) (7), (8), 193.23 (c), (d), 193.24 (a), (b), 194.3 (a) (14), 194.3 (d) (9) (g) and (h) (Parts 2 and 3, Motor Carrier Safety Regulations, Revised, Rules 2.081 (g), (h), 2.233, 2.234, 2.241, 2.242, 3.3114, 3.3491 (g), (h)) be, and they hereby are, amended to read as follows:

§ 193.8 *Emergency equipment must be in place.* * * *

(a) *On every bus, truck or tractor.* * * *

(7) Three flares (pot torches), properly filled; or three red electric lanterns, equipped with batteries in proper condition, and available for immediate use; or three red emergency reflectors available for immediate use.

(8) At least three fusees (unless red electric lanterns or red emergency reflectors are used as warning signals), so mounted as to be protected from oil and moisture, and available for immediate use.

§ 193.23 *Emergency signals for disabled vehicles.* * * *

(c) *Optional use of red electric lanterns or red emergency reflectors.* For every motor vehicle not required to carry red electric lanterns or red emergency reflectors, but electing to carry them in lieu of flares (pot torches) and fusees, the placement of such lighted red electric lanterns or red emergency reflectors in the event of disablement shall be as set forth in paragraph (b).

(d) *Placing of flags.* During such time as lights are not required, red flags shall be placed in the manner prescribed for flares, red electric lanterns and red emergency reflectors, except that no flag shall be required to be placed at the side of the vehicle: *Provided, however,* That if such disablement continues into the period when lights are required, lighted flares or lighted red electric lanterns or red emergency reflectors shall then be placed as prescribed in paragraph (a).

§ 193.24 *Emergency signals for stopped vehicles.* * * *

(a) *Placing of fusee or red electric lantern or red emergency reflector.* During the time that lights are required (see § 193.25) a lighted fusee or lighted red electric lantern or red emergency reflector immediately shall be placed on the roadway at the traffic side of the motor vehicle.

(b) *Placing of flares, red electric lanterns, red emergency reflectors, or flags.* If such stop exceeds or is intended to exceed 10 minutes, the placing of flares, red electric lanterns, red emergency reflectors, or flags shall be in the manner prescribed under § 193.23.

§ 194.3 *Equipment required on all motor vehicles (except in drive-away operations).* * * *

(a) *Lighting devices and reflectors on all vehicles.* * * *

(14) *Visibility of reflectors.* Every reflector mounted on a motor vehicle shall be of such size and characteristics as to be readily visible at night from all distances within 500 feet to 50 feet from the motor vehicle when directly in front of a normal headlight beam.

* * * * *

(d) *Miscellaneous parts and accessories on all vehicles.* * * *

(9) *Emergency parts and accessories required.* (i) On every bus, truck, or tractor there shall be:

* * * * *

(g) Three flares or three red electric lanterns or three red emergency reflectors; each flare (liquid-burning pot torch) or red electric lantern shall be capable when lighted of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at night time. Each flare (pot torch) shall be capable of burning for not less than 12 hours in 5-miles-per-hour wind velocity, capable of burning in any air velocities from zero to 40 miles per hour, substantially constructed so as to withstand reasonable shocks without leaking, and shall be carried in a metal rack or box. Each red electric lantern shall be capable of operating continuously for not less than 12 hours and shall be substantially constructed so as to withstand reasonable shocks without breakage. Each red emergency reflector shall conform in all respects to the requirements of the following specifications (§ 193.8 (a), 1943 Supp.):

Each red emergency reflector shall be comprised of a multiplicity of red reflecting elements on each side—not less than two—front and back, every one of which red reflecting elements shall conform as a minimum requirement to the specification for Class A Reflex Reflectors contained in the SAE Handbook, 1944 edition (published by the Society of Automotive Engineers, 29 West 39th Street, New York 18, N. Y.). The aggregate candlepower output of the reflecting elements of the device when tested in the perpendicular position at one-third degree as specified by SAE photometric procedure shall be not less than twelve. If the reflecting surfaces of reflector elements would be adversely affected by dust, soot, or other foreign matter, they shall be adequately sealed within the body of the units in which they are incorporated. Each reflector device shall be of such weight and/or dimensions as to remain stable and stationary when in a 40 m. p. h. wind on any road surface on which it is likely to be used and shall be so constructed as to withstand reasonable shock without breakage. Each reflector device shall be so constructed that the reflecting elements shall be in a plane perpendicular to the plane of the roadway when placed thereon. Reasonable protection shall be afforded each reflector device, and the reflecting elements incorporated therein, by enclosure in a box or rack from which the three devices readily may be extracted for use. In the event the reflector devices are collapsible, locking means shall be provided to maintain the reflecting elements in effective position, and such locking means shall be readily capable of adjustment without the use of tools or special equipment. Each unit of a set of three red emergency reflectors shall be marked plainly with the certification of the manufacturer that it fulfills the requirements of these specifications. Each red emergency reflector when used shall be so placed on the highway as to reflect to oncoming vehicles the maximum amount of reflected light.

(*h*) At least three fusees (if carrier elects to carry and use flares (pot torches) as warning signals). Each fusee shall be made in accordance with specifications of the Bureau of Explosives, 30 Vesey Street, New York, N. Y., and so marked, and shall be capable of burning at least 15 minutes.

§ 194.5 *Drive-away operations; equipment required.* * * *

(c) *Miscellaneous parts and accessories, drive-away operations*—(1) *Items to be*

[1] Filed as part of the required document.

carried. Every single motor vehicle and the towing vehicle of every combination of motor vehicles operating in drive-away operations shall be equipped with a windshield wiper, rear-vision mirror, horn, at least one red lantern and one red cloth flag when projecting loads are carried, at least one spare electric bulb for each kind of electric lamp with which it is equipped, one spare electric fuse of each kind and size used for any of the electric lighting circuits on the motor vehicle, three flares (liquid-burning pot torches) or three electric lanterns, or three red emergency reflectors, at least three fusees (if flares are carried), at least two red cloth flags; and the specifications of these items of equipment shall be as set forth in § 194.3 (d) (9).

It is further ordered, That this order shall become effective November 15, 1945, and shall continue in effect until further order of the Commission; and

It is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy of it in the office of the Secretary of the Commission, at Washington, D. C., and by filing with the Director, Division of the Federal Register.

(Sec. 204 (a), 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921; 49 U.S.C. 304)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-19134; Filed, Oct. 16, 1945; 11:53 a. m.]

[Ex Parte Nos. MC-13, MC-3; No. 3666]

PART 193—DRIVING OF MOTOR VEHICLES

USE OF RED EMERGENCY REFLECTORS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of October, A. D. 1945.

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle; Ex Parte MC-13.

In the matter of regulations for transportation of explosives and other dangerous articles; No. 3666.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers; Ex Parte MC-3.

It appearing, that by our orders herein of June 17, 1943 (8 F.R. 8562), October 5, 1943 (8 F.R. 14053), and December 5, 1944 (9 F.R. 15006), we authorized the optional use until December 31, 1945, by common, contract, and private carriers by motor vehicle, transporting inflammable liquids in cargo tanks or inflammable compressed gases in cargo tanks, of red emergency reflectors as emergency signals for vehicles disabled or otherwise stopped on highways; and

It further appearing, that red emergency reflectors have been used extensively as emergency signals for motor vehicles hauling such inflammables in cargo tanks since we first authorized such use by our order of June 17, 1943; that no complaint has been made to the Commission of any failure of such reflectors as effective warning signals; and that their general use will promote safety of operation of motor vehicles and will be in the public interest; and

It further appearing, that Division 5 has this day entered an order authorizing the optional use of such reflectors as emergency signals for vehicles disabled or otherwise stopped upon highways, other than those used for transporting explosives and other dangerous articles; and

It further appearing, that our orders of April 20, 1943 (8 F.R. 6479, 6481), August 27, 1943 (8 F.R. 12143), and June 24, 1944 (9 F.R. 7528) extended for the duration of the war and six months thereafter our regulations governing the transportation of explosives and other dangerous articles to such transportation by common and contract motor carriers and private carriers of property by motor vehicle in intrastate commerce, except carriers engaged in the transportation in intrastate commerce of inflammable liquids, and except carriers engaged in the intrastate transportation of liquefied petroleum gases in containers other than cargo tanks; *It is ordered,* That:

§ 193.8 *Emergency equipment must be in place.* * * *

(d) *Red reflectors on disabled motor vehicles transporting explosives and other dangerous articles.* The use by common carriers by motor vehicle, contract carriers by motor vehicle, and private carriers of property by motor vehicle, engaged in the transportation of explosives and other dangerous articles in interstate or foreign commerce, or in intrastate commerce during the period in which and to the extent to which this Commission continues to exercise jurisdiction over such transportation, of red emergency reflectors conforming to the minimum requirements of the specifications prescribed by our order herein of October 5, 1943 (8 F.R. 14053), 49 CFR, 1943 Supp., 193.8 (a), as emergency signals when motor vehicles used for such transportation are disabled or otherwise stopped on highways be, and it is hereby, authorized; and

It is further ordered, That 49 CFR 193.23 (Part 2, Rule 2.232, M.C.S.R., Rev.), be, and it hereby is, amended to read as follows:

§ 193.23 *Emergency signals for disabled vehicles.* * * *

(b) *Use of red electric lanterns or red emergency reflectors for certain tank motor vehicles.* For every motor vehicle used for the transportation of inflammable liquids or inflammable compressed gases in cargo tanks, whether loaded or empty, the use of flares (pot torches), fusees, or any signal produced by a flame is prohibited, and lighted red electric lanterns or red emergency reflectors shall be used in lieu thereof. One of the red electric lanterns or one of the red emergency reflectors immediately shall be placed on the roadway at the traffic side of the motor vehicle and immediately thereafter the two other red electric lanterns or the two other red emergency reflectors shall be placed to the front and rear of the motor vehicle in the same manner prescribed in paragraph (a) for the placement of lighted flares (pot torches).

It is further ordered, That this order shall be effective on and after November 15, 1945; and

It is further ordered, That notice of this order shall be given motor carriers and the general public by depositing a copy of it in the office of the Secretary of the Commission, at Washington, D. C., and by filing with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445; sec. 204, 49 Stat. 546, 54 Stat. 921; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-19133; Filed, Oct. 16, 1945; 11:53 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

[P. & S. Docket 5]

PEORIA UNION STOCK YARDS CO.

PETITION FOR MODIFICATION

By an order entered on June 30, 1924, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), the Secretary of Agriculture prescribed maximum reasonable rates and charges to be observed by the respondent. This order was subsequently modified by a decree of the District Court of the United States for the Southern District of Illinois, Northern Division, dated November 8, 1926, and by orders of the Secretary of Agriculture, dated July 1, 1927, June 2, 1938, March 14, 1945, and July 31, 1945. In the order of March 14, 1945 (4 A. D. 165), the Assistant to the War Food Administrator modified the Secretary's order of June 30, 1924, and permitted the filing of a schedule of rates which would result in increased charges for services performed by the respondent at its stockyard in Peoria.

By a document filed on September 20, 1945, the respondent requests a further modification of the Secretary's orders and the order of the War Food Administrator, dated March 14, 1945, to permit it to file a supplement to its tariff increasing certain rates and charges and decreasing certain rates and charges as follows:

(a) *Yardage charges.*

Species (per head)	Basic order	Present rates	Proposed rates
	Cents	*Cents*	*Cents*
Hogs	11	12	15
Cattle	29	30	35
Calves	17	19	20
Sheep	8	9	10

(b) *Feed margin.*

Feed	Authorized in original order	Present rates	Proposed rates
	Cents	*Cents*	*Cents*
Hay (per cwt.)	58	40	60
Corn (per bu.)	39	30	40
Oats (per bu.)	23	20	25

(c) *Reweigh charges.*

Species (per head)	Present charge on all reweighs	Proposed charges	
		Dealers	All others
	Cents	*Cents*	*Cents*
Hogs	6½	2	8
Cattle	15	5	18
Calves	10	3	10
Sheep	5	2	5

(d) *Effect of proposed modifications.* The effect of such proposed modifications, if granted, would be to increase the revenue to the respondent and, accordingly, it appears that public notice should be given to all interested persons of the request of the respondent so as to afford all interested persons, including patrons of the respondent, an opportunity to manifest their desire to be heard on the matter.

Therefore, notice is hereby given to the public and to all interested persons of the request of the respondent for a further modification of the order of the Secretary, dated June 30, 1924, as now modified by subsequent orders and by the order of the Assistant to the War Food Administrator, dated March 14, 1945. This notice is being given for the purpose of affording said respondent and all other interested persons, including patrons of the respondent, an opportunity to be heard upon the matters covered in the petition for modification.

All persons who desire to be heard shall notify the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington 25, D. C., within fifteen days from the date of the publication of this order.

Copies hereof shall be served on the respondent by registered mail or in person.

Done at Washington, D. C., this 16th day of October 1945.

[SEAL] C. W. KITCHEN,
Assistant Administrator,
Production and
Marketing Administration.

[F. R. Doc. 45-19147; Filed, Oct. 16, 1945; 3:24 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket SA-109]

INVESTIGATION OF ACCIDENT OCCURRING NEAR MELBOURNE, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 15555 which occurred near Melbourne, Florida, on October 11, 1945.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above entitled proceeding, that hearing is hereby assigned to be held on Monday, October 22, 1945, at 9:30 a. m. (e. s. t.), in Room 401, Federal Building, Jacksonville, Florida.

Dated at Washington, D. C., October 16, 1945.

W. K. ANDREWS,
Presiding Officer.

[F. R. Doc. 45-19205; Filed, Oct. 17, 1945; 11:37 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 85]

TRI-STATE TRANSPORTATION CO.

POSSESSION, CONTROL, AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Tri-State Transportation Co. by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Harry E. Reynolds, doing business as Tri-State Transportation Co., 502 East Sixth Street, Sioux Falls, South Dakota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 85."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19140; Filed, Oct. 16, 1945; 3:22 p. m.]

[Notice and Order of Termination 86]

HAWKEYE MOTOR EXPRESS, INC.

POSSESSION, CONTROL, AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Hawkeye Motor Express, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Hawkeye Motor Express, Inc., 215 9th Avenue, S. E., Cedar Rapids, Iowa, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 86."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19141; Filed, Oct. 16, 1945; 3:22 p. m.]

[Notice and Order of Termination 87]

SCHUMACHER MOTOR EXPRESS

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Schumacher Motor Express by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Walter H. Schumacher, doing business as Schumacher Motor Express, 807 North Oxford Avenue, Eau Claire, Wisconsin, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 87."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19142; Filed, Oct. 16, 1945; 3:22 p. m.]

[Notice and Order of Termination 88]

BRADY TRANSFER AND STORAGE CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Brady Transfer and Storage Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Brady Transfer and Storage Company, Central at Sixteenth, Fort Dodge, Iowa, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 88."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19143; Filed, Oct. 16, 1945; 3:22 p. m.]

[Notice and Order of Termination 89]

MINNESOTA-WISCONSIN TRUCK LINE AND McCUE TRANSFER CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Minnesota-Wisconsin Truck Line and McCue Transfer Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Arthur A. McCue, doing business as Minnesota-Wisconsin Truck Line and McCue Transfer Company, 198 East 9th Street, St. Paul, Minnesota, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 89."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19144; Filed, Oct. 16, 1945; 3:22 p. m.]

[Notice and Order of Termination 90]

BROOKS TRUCK CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Brooks Truck Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Perry A. Brooks, doing business as Brooks Truck Company, 112 North Salt Pond, Marshall, Missouri, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 90."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19145; Filed, Oct. 16, 1945; 3:23 p. m.]

[Notice and Order of Termination 91]

HOLDCROFT TRANSPORTATION CO.

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Holdcroft Transportation Company by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Holdcroft Transportation Company, 1300 Fourth Street, Sioux City, Iowa, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 17, 1945. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 91."

Issued at Washington, D. C., this 16th day of October 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-19146; Filed, Oct. 16, 1945; 3:23 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Amdt. 1 to Order 338]

JOHN H. SWISHER AND SON, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

The maximum prices for the "King Albert-Invincible" cigar set forth in Paragraph (a) of Order No. 338 under Maximum Price Regulation No. 260, are amended to read as follows:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
King Albert	Invincible	50	*Per M* $60	*Cents* 2 for 15

This amendment shall become effective October 17, 1945.

Issued this 16th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19124; Filed, Oct. 16, 1945; 11:28 a. m.]

[MPR 260, Order 1903]

THE 400 CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) The 400 Cigar Co., 1006 South College Street, Springfield, Ill. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
The 400	10¢ Aroma	50	*Per M* $48	*Cents* 6

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 17, 1945.

Issued this 16th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19125; Filed, Oct. 16, 1945; 11:29 a. m.]

[MPR 260, Order 1904]

F. E. B. CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) F. E. B. Cigar Factory, 2917 11th Street, Tampa 5, Fla. (hereinafter called "manufacturer"), and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
F. E. B.	F. E. B. Special.[1]	50	*Per M* $146	*Cents* 19

[1] These prices apply to this brand and frontmark using only long filler, type 81 tobacco.

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 17, 1945.

Issued this 16th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19126; Filed, Oct. 16, 1945; 11:29 a. m.]

[RMPR 136, Amdt. 1 to Order 447]

CHRYSLER CORP.

AUTHORIZATION OF MAXIMUM PRICES

Amendment 1 to Order No. 447 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Chrysler Corporation; Docket No. 6083-136.21-359.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

Order No. 447 under Revised Maximum Price Regulation 136 is amended in the following respects:

1. The narrative in paragraph (a) preceding subparagraph (1) is amended to read as follows:

(a) Chrysler Corporation, Detroit, Michigan, and its factory distributors (hereinafter referred to as "the seller"), are authorized to sell to resellers, each Dodge motor truck listed in subparagraph (1) below at a price not to exceed the total of the applicable "Net Wholesale Price", f. o. b. factory, Detroit, Michigan, listed in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts and allowances in effect on March 31, 1942).

2. The narrative in paragraph (b) is amended to read as follows:

(b) Chrysler Corporation and its wholly owned subsidiaries, except its wholly owned retail dealerships, are authorized to sell to the United States Government, its agencies and wholly owned corporations, for the use of the United States Government, each of the Dodge motor trucks listed in subparagraph (1) of paragraph (a) at a price not to exceed the applicable "Net Wholesale Price" for payment to dealers as an average wholesale bonus; to which it may add the applicable charges in subparagraph (2) of paragraph (a).

3. The narrative in paragraph (c) preceding subparagraph (1) is amended to read as follows:

(c) A reseller of Dodge motor trucks, except when it sells as a factory distributor, is authorized to sell delivered at its place of business, each Dodge motor truck listed in subparagraph (1) below at a price not to exceed the total of the applicable "Retail List Price" in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts in effect on March 31, 1942).

This amendment shall become effective this October 18, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19218; Filed, Oct. 17, 1945; 11:48 a. m.]

[RMPR 136, Order 515]

FOUR WHEEL DRIVE AUTO CO.

AUTHORIZATION OF MAXIMUM PRICES

Order No. 515 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Four Wheel Drive Auto Co.; Docket No. 6083-136.21-495.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) The Four Wheel Drive Auto Co., Clintonville, Wisconsin, is authorized to sell its truck model listed in subparagraph (1) below, adjusted as provided in that subparagraph, plus the applicable allowances in subparagraph (2).

(1) *List price.* The following list price, f. o. b. factory, Clintonville, Wisconsin, to which shall be applied the seller's discount in effect on March 31, 1942, to the applicable class of purchaser:

Model No.	Description	List price
HG	Truck, chassis and cab, 154" wheelbase; 20,000 lbs. gross vehicle weight; 1942 standard specifications and equipment, except to be equipped with FWD Model "H" transmission	$4,207

(2) *Charges.* (i) A charge for extra, special and optional equipment which shall not exceed the list price, or established price in effect on March 31, 1942 (less the discount in effect on that date) for such equipment when sold as original equipment;

(ii) A charge to cover delivery and handling expense, computed in accordance with the method that the seller had in effect on March 31, 1942;

(iii) A charge to cover freight expense, based on current freight rates and computed in accordance with the method that the seller had in effect on March 31, 1942;

(iv) A charge to include the Federal excise tax on tires and tubes and other Federal excise taxes, and state and local taxes on the truck being sold, computed in accordance with the method the seller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the seller had in effect on March 31, 1942, to the applicable class of purchasers.

(b) A reseller of FWD motor trucks is authorized to sell, delivered at its place of business, the FWD motor truck listed in subparagraph (1) below, at a price not to exceed the total of the "List Price" in subparagraph (1) below and the applicable charges in subparagraph (2) below (subject to the discounts in effect on March 31, 1942, to the applicable class of purchasers):

(1) *Model, description, and "List Price", f. o. b. factory, Clintonville, Wisconsin.*

Model No.	Description	List price
HG	Truck, chassis and cab, 154" wheelbase; 20,000 lbs. gross vehicle weight; 1942 standard specifications and equipment, except to be equipped with FWD Model "H" transmission	$4,207

(2) *Charges.* (i) A charge for extra, special and optional equipment, not to exceed the charge the reseller had in effect on March 31, 1942 to the applicable class of purchaser for such equipment, when sold as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Four Wheel Drive Auto Co. would make for the transportation of the truck from the factory to the point of destination;

(iii) A charge to cover Federal, State and local taxes on the purchase, sale or delivery of the truck, computed in accordance with the method that the reseller had in effect on March 31, 1942;

(iv) A charge for handling and delivery equal to the charge that the reseller had in effect on March 31, 1942;

(v) The dollar amount of all other charges which the reseller had in effect on March 31, 1942, to the applicable class of purchasers.

(c) A reseller that cannot establish a price under paragraph (b) because it was not in business on March 31, 1942, shall determine its maximum price by adding to the applicable "List Price," f. o. b. factory, set forth in subparagraph (1) of paragraph (b), the following applicable charges:

(1) *Charges.* (i). A charge equal to the original equipment retail charge that The Four Wheel Drive Auto Co. suggested on March 31, 1942, be made by resellers for the extra, special, and optional equipment attached to the truck as original equipment;

(ii) A charge for transportation which shall not exceed the charge The Four Wheel Drive Auto Co. would make for the transportation of the truck from the factory to the point of destination;

(iii) A charge equal to the charge made to the reseller by The Four Wheel Drive Auto Co., in accordance with the method The Four Wheel Drive Auto Co. had in effect on March 31, 1942, to cover the Federal excise tax on tires and tubes and other Federal excise taxes;

(iv) A charge equal to the reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the truck;

(v) A charge equal to the reseller's actual expense for handling and delivery of the truck.

(d) A reseller of FWD motor trucks in any of the territories or possessions of the United States is authorized to sell the truck described in paragraph (b), at a price not to exceed the applicable price established in paragraph (b) or (c), to which it may add a sum equal to the expense incurred by or charged to it, for payment of territorial and insular taxes on the purchase, sale or introduction of the truck; export premiums, boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage, and terminal operations.

(e) All requests not granted herein are denied.

(f) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer has an established price under section 8 of Revised Maximum Price Regulation 136 which is different than a price permitted under paragraph (a) because of a substantial modification in design, specifications, or equipment in the truck, the reseller may add to its price under paragraph (b), (c) or (d) any increase in price to it over the price it would otherwise pay under paragraph (a) plus its customary markup on such a cost increase, but in the case of a decrease in the price under paragraph (a), the reseller must reduce its price under paragraph (b), (c), or (d) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective October 18, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19220; Filed, Oct. 17, 1945; 11:48 a. m.]

[RMPR 528, Order 66]

B. F. GOODRICH CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 16 (d) of Revised Maximum Price Regulation 528, *It is ordered:*

(a) Maximum retail prices for the following sizes and types of new tires shall be:

Size	Ply	Type	Maximum retail price	
			Per tire	Per tube
10.50-18	10	Mud and snow	$100.20	
12.00-24	16	do	206.60	
14.00-20	20	do	306.70	
14.00-24	20	do	325.25	
10.50-16		Truck and bus		$12.40

(b) All provisions of Revised Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this order.

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective October 18, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19241; Filed, Oct. 17, 1945; 11:48 a. m.]

[MPR 592, Amdt. 11 to Order 1]

CLAY AND SHALE BUILDING BRICK

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying this Amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Section 2.2 of Order No. 1 is amended to read as follows:

SEC. 2.2 *Non-standard sizes.* If the manufacturer had an established differential in price during the month of March 1942 for non-standard sizes of brick he may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formula in use by him during March 1942 in establishing a price differential between the standard size brick under this adjustment, unless special provision has been made in the applicable paragraph of Section 2.1 above for non-standard sizes.

This Amendment No. 11 shall become effective October 22, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19212; Filed, Oct. 17, 1945; 11:43 a. m.]

[SO 108,[1] Special Order 6]

TEMPORARY EXEMPTION FOR ITEMS FABRICATED OUTSIDE CONTINENTAL UNITED STATES

An opinion accompanying this Special Order No. 6, under section 17 of Supplementary Order 108 has been issued simultaneously herewith and filed with the Division of the Federal Register.

SECTION 1. *Purpose of this order.* This order excludes from the computation of the weighted average prices for the third and fourth quarters of 1945, deliveries of items fabricated outside continental United States.

SEC. 2. *What items are excluded.* If you delivered, during the third quarter or the fourth quarter of 1945, items which were fabricated outside the continental United States and which were made out of materials which were consigned to a carrier on or before June 1, 1945, to be shipped outside the United States for fabrication, you shall not include these deliveries in computing your weighted average prices for the third and fourth quarters of 1945.

[1] 10 F.R. 4336, 5995, 6402, 8368, 10200.

This order shall become effective October 17, 1945.

Issued this 17th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-19213; Filed, Oct. 17, 1945; 11:41 a. m.]

Regional and District Office Orders.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register October 10, 1945.

REGION I

Connecticut Order 5-F, Amendment 19-A, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 9:47 a. m.

Hartford Order 5-F, Amendment 21, covering fresh fruits and vegetables in the Waterbury and Watertown Areas. Filed 10:00 a. m.

Hartford Order 6-F, Amendment 20-A, covering fresh fruits and vegetables in certain areas in Connecticut. Filed 10:01 a. m.

Hartford Order 6-F, Amendment 21, covering fresh fruits and vegetables in the Hartford Area. Filed 10:01 a. m.

Hartford Order 7-F, Amendment 18-A, covering fresh fruits and vegetables in the New Haven Area. Filed 10:01 a. m.

Hartford Order 7-F, Amendment 21, covering fresh fruits and vegetables in the New Haven Area. Filed 10:01 a. m.

Hartford Order 8-F, Amendment 19-A, covering fresh fruits and vegetables in the Bridgeport Area. Filed 10:01 a. m.

REGION III

Detroit Order 12, Amendment 5, covering dry groceries in the Detroit Area. Filed 9:54 a. m.

REGION IV

Atlanta Order 6-F, Amendment 55, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 9:55 a. m.

Atlanta Order 7-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:55 a. m.

Atlanta Order 8-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:55 a. m.

Atlanta Order 9-F, Amendment 26, covering fresh fruits and vegetables in Phenix City, Alabama and Bibb and Muscogee Counties, Georgia. Filed 9:55 a. m.

Columbia Order 19-C, Amendment 3, covering poultry in the South Carolina Area. Filed 9:50 a. m.

Columbia Order 19-O, Amendment 9, covering eggs in the South Carolina Area. Filed 9:52 a. m.

Columbia Order 20-C, Amendment 3, covering poultry in the South Carolina Area. Filed 9:52 a. m.

Columbia Order 20-O, Amendment 9, covering eggs in the South Carolina Area. Filed 9:52 a. m.

Columbia Order 21-C, Amendment 3, covering poultry in the South Carolina Area. Filed 9:52 a. m.

Columbia Order 21-O, Amendment 9, covering eggs in the South Carolina Area. Filed 9:53 a. m.

Columbia Order 22-C, Amendment 3, covering poultry in the South Carolina Area. Filed 9:52 a. m.

Columbia Order 22-O, Amendment 9, covering eggs in the South Carolina Area. Filed 9:53 a. m.

Jacksonville Order 43, covering dry groceries in the Jacksonville, Florida Area. Filed 9:58 a. m.

Jacksonville Order 16-W, covering dry groceries in the Jacksonville, Florida Area. Filed 9:58 a. m.

Jacksonville Order 43, covering dry groceries in the Jacksonville, Florida Area. Filed 9:57 a. m.

Jacksonville Order 44, covering dry groceries in the Jacksonville, Florida, Area. Filed 9:57 a. m.

Jacksonville Order 45, covering dry groceries in the Jacksonville, Florida, Area. Filed 9:57 a. m.

Montgomery Order 20-F, Amendment 45, covering fresh fruits and vegetables in Mobile County, Alabama. Filed 9:59 a. m.

Montgomery Order 21-F, Amendment 50, covering fresh fruits and vegetables in Montgomery County, Alabama. Filed 9:59 a. m.

Montgomery Order 22-F, Amendment 51, covering fresh fruits and vegetables in Houston County, Alabama. Filed 9:59 a. m.

Montgomery Order 23, covering dry groceries in the Montgomery Area. Filed 9:59 a. m.

Montgomery Order 24-F, Amendment 48, covering fresh fruits and vegetables in Dallas County, Alabama. Filed 9:59 a. m.

Roanoke Order 3-C, covering poultry in certain areas in the Roanoke Area. Filed 10:00 a. m.

Roanoke Order 4-C, covering poultry in certain areas within the Roanoke Area. Filed 9:47 a. m.

Roanoke Order 6-W, Amendment 1 (Correction), covering dry groceries in the Roanoke Area. Filed 9:47 a. m.

Roanoke Order 11-F, Amendment 34, covering fresh fruits and vegetables in certain areas in Virginia. Filed 9:59 a. m.

Roanoke Order 19, covering dry groceries in certain counties in the Roanoke Area. Filed 10:00 a. m.

Roanoke Order 19, Amendment 1, covering dry groceries in the Roanoke Area. Filed 10:00 a. m.

Savannah Order 1-O, Amendment 3, covering eggs in certain counties in Georgia. Filed 9:49 a. m.

Savannah Order 2-C, Amendment 2, covering poultry in certain counties in Georgia. Filed 9:48 a. m.

Savannah Order 2-O, Amendment 3, covering eggs in certain counties in Georgia. Filed 9:49 a. m.

Savannah Order 3-C, Amendment 2, covering poultry in certain counties in Georgia. Filed 9:48 a. m.

Savannah Order 3-O, Amendment 3, covering poultry in certain counties in Georgia. Filed 9:49 a. m.

Savannah Order 4-C, Amendment 2, covering poultry in certain counties in Georgia. Filed 9:48 a. m.

Savannah Order 4-O, Amendment 3, covering eggs in certain counties in Georgia. Filed 9:49 a. m.

Savannah Order 5-C, Amendment 2, covering poultry in certain counties in Georgia. Filed 9:48 a. m.

Savannah Order 5-O, Amendment 3, covering poultry in certain counties in Georgia. Filed 9:49 a. m.

Savannah Order 6-C, Amendment 2, covering poultry in certain counties in Georgia. Filed 9:48 a. m.

Savannah Order 6-O, Amendment 3, covering eggs in certain counties in Georgia. Filed 9:50 a. m.

Savannah Order 7-C, Amendment 2, covering poultry in certain counties in Georgia. Filed 9:48 a. m.

REGION V

San Antonio Order 6-F, Amendment 9, covering fresh fruits and vegetables in Bexar County, Texas. Filed 9:53 a. m.

San Antonio Order 7-F, Amendment 9, covering fresh fruits and vegetables in Austin County, Texas. Filed 9:53 a. m.

San Antonio Order 8-F, Amendment 9, covering fresh fruits and vegetables in Corpus Christi, Texas. Filed 9:53 a. m.

REGION VI

Des Moines Order 4–F, covering fresh fruits and vegetables in certain counties of the Des Moines area and South Sioux City, Nebraska. Filed 9:47 a. m.

Omaha Order 7–W, under Basic Order 1–B, covering dry groceries in Omaha, Nebraska and Council Bluffs, Iowa. Filed 9:38 a. m.

Omaha Order 8–W under Basic Order 1–B, covering dry groceries in Lincoln, Nebraska, and Council Bluffs, Iowa. Filed 9:40 a. m.

Springfield Order 13–F, Amendment 29, covering fresh fruits and vegetables in Springfield, Sangamon County, Illinois. Filed 9:40 a. m.

Springfield Order 14–F, Amendment 30, covering fresh fruits and vegetables in certain areas in Illinois. Filed 9:41 a. m.

Springfield Order 15–F, Amendment 30, covering fresh fruits and vegetables in Decatur, Macon County, Illinois. Filed 9:41 a. m.

Twin Cities Order 1–F, Amendment 35, covering fresh fruits and vegetables in certain areas in Minnesota. Filed 9:42 a. m.

Twin Cities Order 3–F, Amendment 1, covering fresh fruits and vegetables in Duluth and Proctor, Minnesota and Superior, Wisconsin. Filed 9:42 a. m.

Twin Cities Order 4–F, Amendment 1, covering fresh fruits and vegetables in Winnona, Minnesota. Filed 9:42 a. m.

Twin Cities Order 5–F, Amendment 1, covering fresh fruits and vegetables in Rochester, Minnesota. Filed 9:42 a. m.

REGION VII

Albuquerque Order 8–W, Amendment 8, covering dry groceries in certain areas in New Mexico. Filed 9:43 a. m.

Albuquerque Order 9–W, Amendment 8, covering dry groceries in certain areas in New Mexico. Filed 9:43 a. m.

Albuquerque Order 42, Amendment 1, covering dry groceries in certain areas in New Mexico. Filed 9:42 a. m.

Albuquerque Order 43, Amendment 1, covering dry groceries in certain areas in New Mexico. Filed 9:43 a. m.

Albuquerque Order 44, Amendment 2, covering dry groceries in the Southern and Eastern New Mexico Area. Filed 9:43 a. m.

REGION VIII

Portland Order 5–F, Amendment 41, covering fresh fruits and vegetables in Eugene and Springfield, Oregon. Filed 9:43 a. m.

Portland Order 6–F, Amendment 41, covering fresh fruits and vegetables in Oakland, Sutherlin, and Roseburg, Oregon. Filed 9:44 a. m.

Portland Order 7–F, Amendment 41, covering fresh fruits and vegetables in certain areas in Klamath Falls, Oregon. Filed 9:44 a. m.

Portland Order 8–F, Amendment 41, covering fresh fruits and vegetables in Medford, Oregon. Filed 9:44 a. m.

Portland Order 9–F, Amendment 41, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:44 a. m.

Portland Order 10–F, Amendment 40, covering fresh fruits and vegetables in West Kelso, Kelso and Longview, Washington. Filed 9:44 a. m.

Portland Order 12–F, Amendment 37, covering fresh fruits and vegetables in West Salem, Salem, Oregon. Filed 9:44 a. m.

Portland Order 13–F, Amendment 37, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:45 a. m.

Portland Order 14–F, Amendment 36, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:45 a. m.

Portland Order 15–F, Amendment 36, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:45 a. m.

Portland Order 16–F, Amendment 30, covering fresh fruits and vegetables in Bend, Oregon. Filed 9:45 a. m.

Portland Order 17–F, Amendment 31, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:45 a. m.

Portland Order 19–F, Amendment 26, covering fresh fruits and vegetables in Dalles, Oregon. Filed 9:45 a. m.

Portland Order 20–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:46 a. m.

Portland Order 21–F, Amendment 27, covering fresh fruits and vegetables in Pendleton, Oregon. Filed 9:46 a. m.

Portland Order 22–F, Amendment 27, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:46 a. m.

Portland Order 27–F, Amendment 26, covering fresh fruits and vegetables in Baker, La Grande, Oregon. Filed 9:46 a. m.

Portland Order 28–F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 9:46 a. m.

Portland Order 29–F, Amendment 24, covering fresh fruits and vegetables in certain cities in Oregon. Filed 9:46 a. m.

Portland Order 30–F, Amendment 19, covering fresh fruits and vegetables in certain areas in Oregon and Vancouver, Washington. Filed 9:46 a. m.

Portland Order 31–F, Amendment 14, covering fresh fruits and vegetables in certain areas in Oregon and Camas, Washington. Filed 9:46 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–19148; Filed, Oct. 16, 1945; 4:37 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register October 11, 1945.

REGION II

Albany Order 11–F, Amendment 3, covering fresh fruits and vegetables in certain areas in New York. Filed 3:11 p. m.

Albany Order 12–F, Amendment 3, covering fresh fruits and vegetables in certain counties in New York. Filed 3:11 p. m.

Altoona Order 2–F, Amendment 41, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:16 p. m.

Harrisburg Order 2–F, Amendment 42, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 3:16 p. m.

Harrisburg Order 2–F, Amendment 44, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:16 p. m.

Newark Order 7–F, Amendment 25, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 3:17 p. m.

Philadelphia Order 1–D, covering butter and cheese in certain counties in the state of Pennsylvania. Filed 3:17 p. m.

Philadelphia Order 2–D, covering butter and cheese in certain counties in the state of Pennsylvania. Filed 3:17 p. m.

Syracuse Order 3–F, Amendment 50, covering fresh fruits and vegetables in certain areas in New York. Filed 3:17 p. m.

Syracuse Order 4–F, Amendment 37, covering fresh fruits and vegetables in certain areas in New York. Filed 3:17 p. m.

Williamsport Order 4–F, Amendment 3, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 3:18 p. m.

REGION III

Cleveland Order F–1, Amendment 60, covering fresh fruits and vegetables in certain areas in Ohio. Filed 3:18 p. m.

Cleveland Order 3–F, Amendment 60, covering fresh fruits and vegetables in certain areas in Ohio. Filed 3:18 p. m.

Cleveland Order 4–F, Amendment 60, covering fresh fruits and vegetables in the Stark and Summitt Counties, Ohio. Filed 3:18 p. m.

Detroit Order 12, Amendment 6, covering dry groceries in the Detroit, Michigan, Area. Filed 3:14 p. m.

Detroit Order 5–F, Amendment 36, covering fresh fruits and vegetables in the county of Wayne and Macomb. Filed 3:18 p. m.

Grand Rapids Order 14–F (Appendix A), Amendment 95, covering fresh fruits and vegetables in Grand Rapids, Michigan. Filed 3:15 p. m.

Grand Rapids Order 14–F (Appendix B), Amendment 95, covering fresh fruits and vegetables in certain cities in Michigan. Filed 3:16 p. m.

Grand Rapids Order 14–F (Appendix C), Amendment 69, covering fresh fruits and vegetables in certain counties in Michigan. Filed 3:16 p. m.

Grand Rapids Order 25, covering dry groceries in the Grand Rapids, Michigan, Area. Filed 3:14 p. m.

Grand Rapids Order 26, covering dry groceries in the Grand Rapids, Michigan, Area. Filed 3:14 p. m.

Grand Rapids Order 27, covering dry groceries in the Grand Rapids, Michigan, Area. Filed 3:14 p. m.

Indianapolis Order 4–C, covering poultry in the Indianapolis Area. Filed 3:12 p. m.

Louisville Order 4–W, Amendment 4, covering dry groceries in Jefferson, Kentucky, and Clark and Floyd Counties, Indiana. Filed 3:13 p. m.

Louisville Order 12–F, Amendment 39, covering fresh fruits and vegetables in Jefferson County, Kentucky, and Clark and Floyd Counties, Indiana. Filed 3:12 p. m.

Louisville Order 14–F, Amendment 39, covering fresh fruits and vegetables in Daviess and Henderson Counties, Kentucky. Filed 3:12 p. m.

Louisville Order 17–F, Amendment 5, covering fresh fruits and vegetables in certain counties in Kentucky. Filed 3:12 p. m.

Louisville Order 26, Amendment 4, covering fresh fruits and vegetables in Clark and Floyd Counties, Indiana and Jefferson County, Kentucky. Filed 3:12 p. m.

Louisville Order 27, Amendment 6, covering fresh fruits and vegetables in Clark and Floyd Counties, Indiana and Jefferson County, Kentucky. Filed 3:12 p. m.

Louisville Order 32, Amendment 3, covering dry groceries in the Louisville Area except Gallatin, Jefferson, and Owen. Filed 3:13 p. m.

Toledo Order 1–O, Amendment 1, covering eggs in the Toledo, Ohio, area. Filed 3:13 p. m.

REGION IV

Atlanta Order 6–F, Amendment 56, covering fresh fruits and vegetables in the Atlanta-Decatur Area. Filed 3:11 p. m.

Atlanta Order 7–F, Amendment 24, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:11 p. m.

Atlanta Order 8–F, Amendment 24, covering fresh fruits and vegetables in certain areas in Georgia. Filed 3:11 p. m.

Atlanta Order 9–F, Amendment 27, covering fresh fruits and vegetables in Phenix City, Alabama, and Bibb and Muscogee Counties, Georgia. Filed 3:11 p. m.

Atlanta Order 11–F, covering fresh fruits and vegetables in certain areas in the state of Georgia. Filed 3:10 p. m.

Birmingham Order 3–F, Amendment 37, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 3:10 p. m.

Birmingham Order 3–F, Amendment 38, covering fresh fruits and vegetables in the Jefferson County, Alabama, Area. Filed 3:10 a. m.

Charlotte Order 4–F, covering fresh fruits and vegetables in the Charlotte Area. Filed 3:10 p. m.

REGION VII

Albuquerque Order 8–F, Amendment 36, covering fresh fruits and vegetables in the Albuquerque Area. Filed 3:24 p. m.

Denver Order 3–C, Amendment 1, covering poultry in the Colorado Area. Filed 3:23 p. m.

Denver Order 4–C, Amendment 1, covering poultry in the Colorado Area. Filed 3:23 p. m.

Denver Order 5–C, Amendment 1, covering poultry in the Colorado Area. Filed 3:23 p. m.

Denver Order 6–C, Amendment 1, covering poultry in the Colorado Area. Filed 3:24 p. m.

Denver Order 7–C, Amendment, 1 covering poultry in the Colorado Area. Filed 3:24 p. m.

Denver Order 8–C, Amendment 1, covering poultry in the Colorado Area. Filed 3:24 p. m.

REGION VIII

Fresno Order 6–F, Amendment 59, covering fresh fruits and vegetables in the county of Kern and city of Bakersfield, California. Filed 3:24 p. m.

Los Angeles Order 3–F, Amendment 15, covering fresh fruits and vegetables in the Los Angeles Area. Filed 3:25 p. m.

Los Angeles Order 3–F, Amendment 16, covering fresh fruits and vegetables in the Los Angeles Area. Filed 3:31 p. m.

Los Angeles Order 4–F, Amendment 15, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 3:31 p. m.

Los Angeles Order 4–F, Amendment 16, covering fresh fruits and vegetables in the Long Beach-San Bernardino Area. Filed 3:31 p. m.

Los Angeles Order 5–F, Amendment 15, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 3:31 p. m.

Los Angeles Order 5–F, Amendment 16, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 3:31 p. m.

Los Angeles Order 6–F, Amendment 15, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 3:31 p. m.

Los Angeles Order 6–F, Amendment 16, covering fresh fruits and vegetables in the Santa Barbara-Ventura and San Luis Obispo Areas. Filed 3:32 p. m.

Los Angeles Order 12, Amendment 9, covering dry groceries in the Los Angeles Area. Filed 3:32 p. m.

Nevada Order 5–C, Amendment 1, covering poultry in Washoe County. Filed 3:20 p. m.

Nevada Order 6–C, Amendment 1, covering poultry in Washoe County. Filed 3:20 p. m.

Nevada Order 7–C, Amendment 1, covering poultry in certain counties in Nevada. Filed 3:20 p. m.

Nevada Order 8–C, Amendment 1, covering poultry in certain counties in Nevada. Filed 3:21 p. m.

Nevada Order 9–C, Amendment 1, covering poultry in certain counties in Nevada. Filed 3:21 p. m.

Nevada Order 10–C, Amendment 1, covering poultry in certain counties in Nevada. Filed 3:21 p. m.

Nevada Order 11–F, Amendment 6–A, covering fresh fruits and vegetables in the Reno and Sparks Areas. Filed 3:20 p. m.

Portland Order 12–C, Amendment 2, covering poultry in certain counties in Western Oregon and Southwestern Washington. Filed 3:19 p. m.

Portland Order 13–C, Amendment 2, covering poultry in certain counties in Eastern Oregon. Filed 3:20 p. m.

Portland Order 40–F, covering fresh fruits and vegetables in the Dalles Area. Filed 3:18 p. m.

Portland Order 41–F, covering fresh fruits and vegetables in the Kelso-Salem-Hood River-Clatskanie-Forest Grove Area. Filed 3:19 p. m.

Portland Order 42–F, covering fresh fruits and vegetables in the Portland-Vancouver Area. Filed 3:19 p. m.

San Diego Order 1–F, Amendment 48, covering fresh fruits and vegetables in the San Diego Area. Filed 3:21 p. m.

San Diego Order 1–F, Amendment 49, covering fresh fruits and vegetables in the San Diego Area. Filed 3:21 p. m.

San Diego Order 1–F, Amendment 50, covering fresh fruits and vegetables in the San Diego Area. Filed 3:21 p. m.

San Diego Order 2–F, Amendment 24, covering fresh fruits and vegetables in the San Diego Area. Filed 3:22 p. m.

San Diego Order 3–F, Amendment 21, covering fresh fruits and vegetables. Filed 3:22 p. m.

San Diego Order 14, covering dry groceries in San Diego County. Filed 3:22 p. m.

San Diego Order 14, Amendment I, covering dry groceries in the San Diego Area. Filed 3:22 p. m.

San Diego Order 15, covering dry groceries in certain areas in California. Filed 3:23 p. m.

San Diego Order 16, covering dry groceries in certain areas in California. Filed 3:23 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–19149; Filed, Oct. 16, 1945; 4:37 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register October 12, 1945.

REGION I

Augusta Order 3–F, Amendment 16, covering fresh fruits and vegetables in South Portland, Portland and Westbrook, Maine. Filed 3:07 p. m.

Augusta Order 5–F, Amendment 16, covering fresh fruits and vegetables in the Bangor and Brewer Areas. Filed 3:07 p. m.

Boston Order 1–D, Amendment 1, covering cheese and butter in certain counties in Massachusetts. Filed 3:07 p. m.

Boston Order 2–D, Amendment 1, covering cheese and butter in certain New England Areas. Filed 3:07 p. m.

New England Order 11–F, Amendment 16, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 3:05 p. m.

Concord Order 4–W and 17, covering dry groceries in the state of New Hampshire. Filed 3:01 p. m.

Providence Order 3–W and 8, covering dry groceries in the state of Rhode Island, except the town of New Shoreham. Filed 3:01 p. m.

REGION II

Altoona Order 21 and 6–W, coveriug dry groceries in certain counties in Pennsylvania. Filed 3:02 p. m.

Altoona Order 22, covering dry groceries in the Altoona Area. Filed 3:03 p. m.

Binghampton Order 4–W and 17, Amendment 1, covering dry groceries in certain counties in New York. Filed 3:03 p. m.

Saginaw Order 26, and 6–W, covering dry groceries in certain counties in the state of Michigan. Filed 2:59 p. m.

Wilmington Order 4–W and 23, covering dry groceries in certain areas in Delaware. Filed 3:03 p. m.

REGION III

Grand Rapids Order 16–W, covering dry groceries in certain areas in Michigan. Filed 2:58 p. m.

Grand Rapids Order 17–W, covering dry groceries in certain areas in Michigan. Filed 2:58 p. m.

Grand Rapids Order 18–W, covering dry groceries in certain areas in Michigan. Filed 2:58 p. m.

Grand Rapids Order 28, covering dry groceries in the Grand Rapids Area. Filed 2:57 p. m.

Lexington Order 1–O, Amendment 2, covering eggs in the Lexington, Kentucky, Area. Filed 2:57 p. m.

REGION IV

Memphis Order 6–F, Amendment 51, covering fresh fruits and vegetables in the city of Memphis and county of Shelby, Tennessee. Filed 3:12 p. m.

Memphis Order 9–F, covering fresh fruits and vegetables in the Memphis Area, except Shelby County. Filed 3:12 p. m.

Memphis Order 27, covering dry groceries in certain counties in Tennessee. Filed 3:12 p. m.

Memphis Order 28, covering dry groceries in the Memphis Area. Filed 3:1: p. m.

Roanoke Order 14–F, covering fresh fruits and vegetables in certain areas in Virginia. Filed 3:12 p. m.

REGION V

St. Louis Order 4–F, Amendment 9, covering fresh fruits and vegetables in the city and county of St. Louis, Missouri. Filed 3:04 p. m.

St. Louis Order 5–F, Amendment 2, covering fresh fruits and vegetables in certain areas in Missouri. Filed 3:08 p. m.

St. Louis Order 6–W and 24, covering dry groceries in certain areas in Missouri. Filed 3:01 p. m.

St. Louis Order 25, covering dry groceries in certain areas in Missouri. Filed 3:08 p. m.

Shreveport Order G–17, Amendment 6, covering dry groceries in certain areas in Louisiana. Filed 3:04 p. m.

REGION VI

Milwaukee Order 8–F, Amendment 29, covering fresh fruits and vegetables in Dane County, Wisconsin. Filed 3:03 p. m.

Milwaukee Order 9–F, Amendment 29, covering fresh fruits and vegetables in Sheboygan and Fond Du Lac Counties, Wisconsin. Filed 3:03 p. m.

Milwaukee Order 11–F, Amendment 21, covering fresh fruits and vegetables in Milwaukee County, and cities of Racine and Kenosha, Wis. Filed 3:04 p. m.

Milwaukee Order 12–F, Amendment 2, covering fresh fruits and vegetables in La Crosse and Sparta, Wisconsin. Filed 3:04 p. m.

REGION VII

Helena Order 104 and 13–W, covering dry groceries in Kalispell and Missoula Areas. File 2:59 p. m.

Helena Order 104, Amendment 1, and Order 13–W, Amendment 1, covering dry groceries in Kalispell and Missoula Areas. Filed 3:00 p. m.

REGION VIII

Phoenix Order 21, Amendment 4 and Order 25–W, under Basic Order 2–B, covering dry groceries in the Southern Navajo-Apache Areas. Filed 3:00 p. m.

Portland Order 20–F, covering fresh fruits and vegetables in the Celilo-Maupin-Wasco Area. Filed 3:08 p. m.

Portland Order 32–F, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:09 p. m.

Portland Order 33–F, covering fresh fruits and vegetables in the Roseburg-Grants Pass-Ashland-Lakeview Area. Filed 3:09 p. m.

Portland Order 34–F, covering fresh fruits and vegetables in the Astoria-Coos Bay, Oregon Area. Filed 3:09 p. m.

Portland Order 35–F, covering fresh fruits and vegetables in the Florence-Reedsport-Coquille, Oregon Area. Filed 3:10 p. m.

Portland Order 36–F, covering fresh fruits and vegetables in the Bend-Pendleton, Oregon Area. Filed 3:10 p. m.

Portland Order 37–F, covering fresh fruits and vegetables in certain areas in Oregon. Filed 3:10 p. m.

Portland Order 38–F, covering fresh fruits and vegetables in the Haines-Wallowa-Enterprise Area. Filed 3:10 p. m.

Portland Order 39–F, covering fresh fruits and vegetables in the Albany-Corvallis-Eugene, Oregon Area. Filed 3:11 p. m.

Seattle Order 7–F, Amendment 51, covering fresh fruits and vegetables in the Tacoma, Washington Area. Filed 3:06 p. m.

Seattle Order 8–F, Amendment 47, covering fresh fruits and vegetables in the Everett, Washington Area. Filed 3:06 p. m.

Seattle Order 9–F, Amendment 56, covering fresh fruits and vegetables in the Seattle and Bremerton, Washington Area. Filed 3:06 p. m.

Seattle Order 10–F, Amendment 47, covering fresh fruits and vegetables in the Bellingham, Washington Area. Filed 3.06 p. m.

Seattle Order 11–F, Amendment 47, covering fresh fruits and vegetables in the Olympia, Washington Area. Filed 3:06 p. m.

Seattle Order 12–F, Amendment 47, covering fresh fruits and vegetables in the Aberdeen and Hoquiam, Washington Area. Filed 3:05 p. m.

Seattle Order 14–F, Amendment 48, covering fresh fruits and vegetables in the Wenatchee and East Wenatchee, Washington Area. Filed 3:05 p. m.

Seattle Order 15–F, Amendment 45, covering fresh fruits and vegetables in the Yakima, Washington Area. Filed 3:05 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–19206; Filed, Oct. 17, 1945; 11:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–1055]

CENTRAL NEW YORK POWER CORP.

ORDER PERMITTING POST-EFFECTIVE AMENDMENT TO DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of October 1945.

The Commission, by order dated April 23, 1945 (Holding Company Act Release No. 5753), as modified by order dated June 6, 1945 (Holding Company Act Release No. 5852), having permitted to become effective a declaration filed pursuant to the Public Utility Holding Company Act of 1935 by Central New York Power Corporation, a public utility subsidiary of Niagara Hudson Power Corporation and of The United Corporation, a registered holding company, regarding, among other things, the purchase on the open market, from time to time during a period not to exceed one year from the date of the latter order, of an aggregate of $1,000,000 principal amount of its outstanding non-callable Utica Gas and Electric Company Refunding and Extension Mortgage, 5%, 50-year Bonds, due July 1, 1957, at prices not to exceed 135% of the principal amount thereof, and said purchases having been made; and

Central New York Power Corporation having filed a post-effective amendment to the above declaration whereby it proposes to purchase on the open market, from time to time during the period not to exceed one year from the date of authorization sought herein, an additional $1,000,000 principal amount of Utica Gas and Electric Company Refunding and Extension Mortgage, 5%, 50-year Bonds, due July 1, 1957, at prices not to exceed 135% of the principal amount thereof; and

Said post-effective amendment having been filed on September 11, 1945, and notice of said filing having been given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said post-effective amendment within the period provided in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission observing no basis for any adverse findings under section 12 (c) or other applicable provisions of the act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said post-effective amendment be, and it is hereby, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–19137; Filed, Oct. 16, 1945; 2:35 p. m.]

[File Nos. 70–1101, 70–1102]

PUBLIC SERVICE COMPANY OF INDIANA, INC. AND INDIANA GAS & WATER COMPANY, INC.

ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of October, A. D. 1945.

Public Service Company of Indiana, Inc., a public utility subsidiary of The Middle West Corporation, a registered holding company, having filed applications and declarations pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 proposing, among other things, (a) to sell its gas, water and Sheridan ice properties to its subsidiary, Indiana Gas & Water Company, Inc., a company organized by Public Service Company of Indiana, Inc. to purchase such properties, (b) to amend its Article of Consolidation, and (c) to enter into an agreement with the firm of King & Squires for their services to solicit proxies of the holders of the preferred and common stocks of the company in order to obtain their consent to the proposed sale of the gas, water and Sheridan ice properties and to the proposed amendments of its Articles of Consolidation; and

The Commission having granted such applications and permitted such declarations to become effective, subject, among other things, to a reservation of jurisdiction with respect to the proposed payment of $19,000 to King & Squires for their services and expenses for soliciting proxies; and

The Commission now deeming it unnecessary to make any adverse findings regarding the reasonableness of the amount of said fees and expenses on the basis of the record developed subsequent to the time of entering its order in this matter wherein jurisdiction was reserved with respect to such fees and expenses:

It is ordered, That jurisdiction heretofore reserved with respect to the payment of $19,000 to King & Squires for their services and expenses in soliciting proxies be, and same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–19139; Filed, Oct. 16, 1945; 2:35 p. m.]

[File No. 70–1155]

MONTANA POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 12th day of October, A. D. 1945.

The Montana Power Company ("Montana"), an electric and gas utility company subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, has filed a declaration and amendments thereto under the Public Utility Holding Company Act of 1935 and particularly sections 6 (a) and 7 regarding (a) the issue and public sale by Montana of $40,000,000 principal amount of First Mortgage Bonds __% Series due 1975 in accordance with Rule U-50 promulgated under said Act, and (b) the use of the proceeds of said sale together with treasury cash, for the redemption of its First and Refunding Mortgage Bonds, 3¾% Series due 1966, its 5% Thirty Year Debentures due 1966 and to provide for the immediate retirement of Butte Electric and Power Company non-callable 5% First Mortgage Gold Bonds, due 1951, assumed by Montana; and

A public hearing having been held on such declaration, after appropriate notice, and the Commission having exam-

ined the record, and having filed its findings and opinion based thereon;

It is ordered, That said declaration as amended be, and the same hereby is, permitted to become effective forthwith, except as to the price to be paid for such bonds, their redemption prices, the interest rate thereon, the underwriters' spread and its allocation, and all legal fees to be paid in connection with the proposed transactions, as to which matters jurisdiction be, and the same hereby is, specifically reserved, and subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the ten-day period for inviting bids as provided for in Rule U-50, be, and the same hereby is, shortened to a period of not less than nine days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-19135; Filed, Oct. 16, 1945; 2:34 p. m.]

[File No. 812-375]

PETROLEUM & TRADING CORP.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of October A. D., 1945.

An application having been filed by Petroleum & Trading Corporation under and pursuant to section 23 (c) (3) of the Investment Company Act of 1940 for an order exempting it from the provisions of Rule N-23C-1 promulgated thereunder to the extent that paragraph (a) (1) of the said rule prohibits the applicant from repurchasing its preferred shares which are in arrears on the payment of dividends:

It is ordered, Pursuant to section 40 (a) of the said act, that a hearing on the aforesaid application be held on October 22, 1945, at 10:00 a. m., Eastern Standard Time, in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest and for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-19138; Filed, Oct. 16, 1945; 2:35 p. m.]

[File Nos. 70-1160, 54-117, 59-72]

COLUMBIA GAS & ELECTRIC CORP., ET AL.

ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of October 1945.

In the matters of Columbia Gas & Electric Corporation, The Dayton Power and Light Company, File No. 70-1160; Columbia Gas & Electric Corporation, File No. 54-117; Columbia Gas & Electric Corporation and its subsidiaries, respondents, File No. 59-72.

Columbia Gas & Electric Corporation ("Columbia"), a registered holding company, and its subsidiary, The Dayton Power and Light Company ("Dayton"), a public utility company, having filed a joint application and declaration, and amendments thereto, pursuant to the provisions of the Public Utility Holding Company Act of 1935 with respect to: (i) the exemption from the provisions of sections 6 (a) and 7 of said act of the issue and sale, in accordance with Rule U-50 promulgated under said act, by Dayton of $28,850,000 principal amount of First Mortgage Bonds and the use of part of the proceeds of the sale of said bonds for the redemption of its presently outstanding bonded indebtedness; (ii) a capital contribution to be made by Columbia to Dayton of $2,000,000 in cash; and (iii) the sale by Columbia and the acquisition by Dayton of the securities of The Miami Development Company ("Miami"); and

The Commission having been requested to enter an order finding that the proposed transactions are necessary or appropriate to effectuate the provisions of section 11 (e) of the act and that such order conform to the formal requirements of sections 371, 373 and 1808 (f) of the Internal Revenue Code, as amended; and

Dayton having requested that the ten-day period for inviting bids, as provided by Rule U-50 (b), be shortened to a period of not less than seven days; and

The Commission having issued a notice of and order for hearing on said application-declaration and having directed that the proceedings thereon should be consolidated with proceedings pursuant to sections 11 (b) and 11 (e) of the act concerning the applicants and declarants herein, and a public hearing having been held on such matters, after appropriate public notice; the Commission having considered the record in the matter and having made and filed its findings and opinion herein;

It is ordered, That said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, subject, however, to the conditions specified in Rules U-24 and U-50 and except as to the price to be paid Dayton for the bonds, the interest rate thereon, the redemption prices thereof, the underwriters' spread and its allocation, and all legal and other fees and expenses to be paid in connection with the proposed transactions, as to which matters jurisdiction be, and the same hereby is, reserved.

It is further ordered, That the ten-day period for inviting bids, as provided by Rule U-50 (b), be, and the same hereby is, shortened to a period of not less than seven days.

It is further ordered, That the sale, transfers and exchanges of securities, the cash payments and transactions specified and itemized below in paragraphs numbered 1 and 2, as proposed by the application-declaration, as amended, are necessary or appropriate to the integration and simplification of the holding company system of which Dayton and Columbia are members, and necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935:

1. The capital contribution of $2,000,000 in cash be made by Columbia to Dayton.

2. The purchase by Dayton and the sale by Columbia of 1000 shares of the common stock of Miami and $565,969 principal amount of Income Demand Loans due by Miami to Columbia for a total consideration of $606,603.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-19189; Filed, Oct. 17, 1945; 9:38 a. m.]

[File No. 70-1148]

NORTHERN STATES POWER CO. (MINNESOTA)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of October 1945.

Northern States Power Company (Minnesota), a registered holding company, and a public utility company subsidiary of Northern States Power Company (Delaware), also a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of $75,000,000 principal amount of First Mortgage Bonds, Series Due October 1, 1975, and the application of the net proceeds from the sale of said bonds together with general funds of declarant to the redemption of $75,000,000 principal amount of its First and Refunding Mortgage Bonds, 3½% series due 1967, presently outstanding at the redemption price of 104¼% of the principal amount thereof plus accrued interest to the date of redemption; and

A public hearing having been held, after appropriate notice, upon said declaration, as amended, the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the declaration, as amended, be and the same is hereby

permitted to become effective, subject to the conditions prescribed by Rule U-24 and subject to the further condition that the issue and sale of the bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been supplied by amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such order and the imposition of such terms and conditions; and except with respect to the legal fees and expenses to be paid to attorneys in connection with the proposed transactions as to which matter jurisdiction is reserved.

It is further ordered, That the ten-day period for inviting bids as provided in Rule U-50 be and the same is hereby shortened to a period of not less than seven days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-19190; Filed, Oct. 17, 1945; 9:38 a. m.]

[File No. 1-342]

RED BANK OIL CO.

ORDER SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of October, A. D. 1945.

The Common Stock, $1 Par Value, of Red Bank Oil Company being listed and registered on the New York Curb Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-1502-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

It is ordered, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in such security be summarily suspended on the New York Curb Exchange in order to prevent fraudulent, deceptive, or manipulative acts or practices, this order to be effective for a period of ten (10) days from the date hereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-19191; Filed, Oct. 17, 1945; 9:38 a. m.]

[File Nos. 70-1164, 70-1170]

INTERSTATE POWER CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of October A. D. 1945.

In the matters of Interstate Power Company, File No. 70-1164; Peoples Natural Gas Company, Northern Natural Gas Company; File No. 70-1170.

Notice is hereby given that Interstate Power Company ("Interstate"), a registered holding company has filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 thereunder (File No. 70-1164), and that Peoples Natural Gas Company ("Peoples"), and its parent, Northern Natural Gas Company ("Northern Natural"), a registered holding company, have filed a joint application pursuant to sections 9 (a) (1) and 10 of the act (File No. 70-1170), proposing certain transactions.

All interested persons are referred to said documents, on file in the office of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

Interstate proposes to sell, and Peoples proposes to purchase, all of the gas properties and property rights owned by Interstate in and adjacent to the City of Waseca, Minnesota, consisting of a natural gas pipe line and distribution system, together with certain other assets appurtenant thereto, for a base price of $162,500 in cash, subject to certain adjustments. Substantially all of the properties and assets proposed to be sold are subject to the lien of Interstate's First Mortgage Gold Bonds, 5% Series, due 1957. The declaration of Interstate states that by utilization of credits now existing in favor of Interstate under the provisions of the indenture securing said bonds, a release of said properties and assets will be obtained without the necessity of depositing the proceeds of the sale with the corporate trustee. The net proceeds of the sale remaining, after payment of expenses, will be added to Interstate's working capital.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said matters and that the declaration of Interstate and the application of Peoples and Northern Natural shall not be permitted to become effective or granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the foregoing matters under File Nos. 70-1164 and 70-1170 are related and involve common questions of law and fact; and that the proceedings on these matters should be consolidated;

It is ordered, That the proceedings in respect of the foregoing matters be consolidated, and that a hearing in said consolidated proceedings under the applicable provisions of the act and the general rules and regulations promulgated thereunder be held on October 26, 1945 at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 of the act and to a trial examiner under the Commission's rules of practice.

Notice is hereby given of said hearing to Interstate, Peoples, and Northern Natural, and to all interested persons, said notice to be given to Interstate, Peoples, and Northern Natural by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by a general release of this Commission distributed to the press and mailed to the persons on the mailing list for releases under the Act.

It is requested that any person desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before October 25, 1945, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration and application otherwise to be considered in these proceedings, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received by Interstate and to be paid by Peoples is fair and reasonable;

2. Whether competitive conditions were maintained in respect of the proposed sale;

3. Whether the proposed acquisition will serve the public interest by tending toward the economical and efficient development of an integrated public utility system;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors or consumers;

5. Whether generally the proposed transactions meet the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45-19192; Filed, Oct. 17, 1945; 9:38 a. m.]

[File Nos. 54-106, 31-524, 54-107, 31-523, 59-52]

BUFFALO, NIAGARA AND EASTERN POWER CORP. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Penn-

sylvania, on the 10th day of October 1945.

In the matters of Buffalo, Niagara and Eastern Power Corporation, File Nos. 54–106; 31–524; Niagara Hudson Power Corporation, File Nos. 54–107; 31–523; Niagara Hudson Power Corporation and its subsidiary companies, Respondents, File No. 59–52.

Niagara Hudson Power Corporation (Niagara Hudson), a subsidiary of The United Corporation, a registered holding company, and Buffalo, Niagara and Eastern Power Corporation, a subsidiary of Niagara Hudson, having each filed applications and declarations and amendments thereto for approval of plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 proposing, among other things, the sale by Niagara Hudson, pursuant to the competitive bidding requirements of Rule U-50, of 445,738 shares of common stock of Central Hudson Gas & Electric Corporation; and

The Commission having by interim order, dated August 30, 1945, permitted said declaration solely with respect to the sale of the Central Hudson Gas & Electric Corporation common stock to become effective and said order having, among other things, reserved jurisdiction with respect to the payment of all legal fees and expenses of all counsel; and

Gould and Wilkie, counsel for Central Hudson Gas & Electric Corporation, having submitted information regarding the nature and extent of the services rendered by it for which fees aggregating $12,500 and reimbursement of expenses aggregating $1,308.63 are requested; and Townsend, Elliott and Munson, counsel for the successful bidders having submitted information regarding the nature and extent of the services rendered by it for which fees aggregating $7,000 and reimbursement of expenses aggregating $1,000 are requested; and

It appearing to the Commission that such fees are not unreasonable;

It is ordered, That the jurisdiction heretofore reserved with respect to the payment of fees and expenses to Gould and Wilkie and Townsend, Elliott and Munson be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 45–19193; Filed, Oct. 17, 1945; 9:39 a. m.]